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The Ontario Gazette

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Le samedi 27 mars 1999

Motor Vehicle Transport Act/Truck Transportation Act Loi sur les transports routiers/Loi sur le camionnage

The following are applications for operating licences under the *Truck Transportation Act*, R.S.O. 1990, Chapter T.22, and/or the *Motor Vehicle Transport Act*, 1987, Chapter 35. The applicants have met the fitness requirements pursuant to Section 6 of the *Truck Transportation Act* and/or Section 8(2) of the *Motor Vehicle Transport Act*, 1987 and the provincial transport board and/or the Registrar of Motor Vehicles proposes to issue the licences if no written objection is served on the applicant and filed with the Registrar of Motor Vehicles, within thirty days of this publication.

The following applicants have applied for Authority to offer a transportation service for the carriage of Goods:

On trouvera ci-après la liste des demandes de permis d'exploitation présentées en vertu de la *Loi sur le camionnage*, L.R.O. 1990, chapitre T.22, et/ou la *Loi de 1987 sur les transports routiers*, L.C. 1987, chapitre 35. On a jugé que les personnes ayant présenté ces demandes se conformaient aux critères d'aptitude prévus au paragraphe 8(2) de la *Loi de 1987 sur les transports routiers* et l'office des transports de l'Ontario et/ou le registraire des véhicules automobiles dans les trente jours suivant la publication des présentes.

Les personnes suivantes ont demandé l'autorisation d'offrir des services de transport de marchandises à destination.

ACCESS CARGO SERVICES INC.
MISSISSAUGA, ON

ASTRO COURIER SERVICE INC.
INDIANAPOLIS, IN

BAILEY, JAMES, ROBERT
PERTH, ON

BAKER, BERNICE
TORONTO, ON

BERT BAXTER TRANSPORT LTD
ESTEVAN, SK

BEAUCHAMP, J. R. H. THOMAS
DRYDEN, ON

BLAIS, ALAIN
TERRBONNE, QC

CAIDAN INTERNATIONAL INC.
MISSISSAUGA, ON

CARMAN INC.
FORT SMITH, AR

CHAIN O'LAKES EXPRESS INC
WAUPACA, WI

CHUTE, MALCOLM, DONALD
HAWKESTONE, ON

COTTER TRUCKING COMPANY INC
MASSENA, NY

DISTRIBUTION SOLUTIONS INC.
HARRISON, AR

DRAPER, KENNETH, W.
FENELON FALLS, ON

F1 FREIGHT SYSTEMS INC.
TORONTO, ON

H & H TRANSPORT SERVICES INC.
STANTON, KY

HLEWKA, BRIAN, NICKOLAS
TWO HILLS, AB

**HOMEBOUND PACKERS & SHIPPERS
(CANADA) LTD**
RICHMOND, BC

HOUSTON, DOUGLAS, L.
PRINCETON, ON

HY-TECH EXPRESS INC.
KNOXVILLE, TN

IMPERIAL PIPE CORPORATION
PETERBOROUGH, ON

J P & B ENTERPRISES INC.
HAUGHTON, LA

JAGGON, ARTHUR
CONCORD, ON

D & K KEATS ENTERPRISES INC.
ACTON, ON

MERLIN, JAY
CHARLOTTETOWN, PE

GARAGE DANIEL LESSARD INC
NOTRE-DAME-DES-PINS, QC

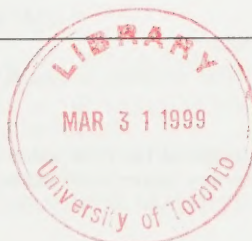
LOUWERSE, RAYMOND
BRANTFORD, ON

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557



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MANJIT TRANSPORT LTD
BRAMPTON, ON

TRANSPORT M ET R MASSON INC.
ST-HIPPOLYTE, QC

MONETTE, DENIS
GATINEAU, QC

MORAN, JOHN, DENNIS
MINESING, ON

NOWTRAN LIMITED
BARRIE, ON

PAK LOGISTICS INC
LAWRENCEBURG, TN

POWELL, CHARLES, S.
ORILLIA, ON

RAPID RIDE DELIVERY SERVICE INC
ETOBICOKE, ON

REGIONAL SNOWPLOWS LTD.
KITCHENER, ON

E. SAUDER TRUCKING INC
MOOREFIELD, ON

SKALSKI, GRZEGORZ
CAMBRIDGE, ON

MEL SMITH TRUCKING LTD
UTTERSON, ON

**STATESIDE TRANSPORTATION
SERVICES INC.**
MISSISSAUGA, ON

STI INC
KENTWOOD, MI

STRUCTURAL TRANSPORT INC.
FRANKLIN, WI

TEMPLE TRUCKING SERVICES INC.
INDIANAPOLIS, IN

TOWTON, WILLIAM, G.
HENSALL, ON

**TRILOGIC RELOCATION SYSTEMS
INC.**
CALGARY, AB

VLR CARRIERS INC
SHERWOOD PK, AB

WANDERING HOME CORP
EDMONTON, AB

688585 ONTARIO LIMITED
SUMMERSTOWN, ON

1027338 ONTARIO LTD
HUNTSVILLE, ON

1214657 ONTARIO INC
LEAMINGTON, ON

1271866 ONTARIO INC
BRAMPTON, ON

1276096 ONTARIO INC
MALTON, ON

1291773 ONTARIO LIMITED
BRAMPTON, ON

3181588 CANADA INC.
GATINEAU, QC

3551351 CANADA INC
COTE ST-LUC, QC

9033-7434 QUEBEC INC
ST MAURICE, QC

9048-5574 QUEBEC INC
LAVAL, QC

9069-1411 QUEBEC INC.
ST-ALEXIS-DES-MONTS, QC

J. Greig Beatty
Manager
Chef de Service

ONTARIO HIGHWAY TRANSPORT BOARD

NOTICE

Periodically, temporary applications are filed with the Board. Details of these applications can be made available at anytime to any interested parties by calling (416) 326-6732.

The following are applications for extra-provincial and public vehicle operating licenses filed under the *Motor Vehicle Transport Act, 1987*, and the *Public Vehicles Act*. All information pertaining to the applicant *i.e.* business plan, supporting evidence, etc. is on file at the Board and is available upon request.

Any interested person who has an economic interest in the outcome of these applications may serve and file an objection within 29 days of this publication. The objector shall:

1. complete a Notice of Objection Form,
2. serve the applicant with the objection,
3. file a copy of the objection and provide proof of service of the objection on the applicant with the Board,
4. pay the appropriate fee.

Serving and filing an objection may be effected by hand delivery, mail, courier or facsimile. Serving means the date received by a party and filing means the date received by the Board.

**LES LIBELLÉS DES DEMANDES PUBLIÉES CI-DESSOUS
SONT AUSSI DISPONIBLES EN FRANÇAIS SUR DEMANDE.**

Edutran Transportation Inc.
580 Steven Ct., Newmarket, Ont. L3Y 6Z2

42247-K

Applies for an extension to extra provincial operating licence No. X-3161 as follows:

DELETE:

For the transportation of passengers on a chartered trip from points in and the Town of Bradford West Gwillimbury, located in the County of Simcoe

SUBSTITUTE:

For the transportation of passengers on a chartered trip from points in and the County of Simcoe...

SO THAT AS AMENDED THE LICENCE WILL READ AS FOLLOWS:

For the transportation of passengers on a chartered trip from points in the Regional Municipalities of Durham, Halton, Peel and York, the City of Toronto and the County of Simcoe to the Ontario/Manitoba, Ontario/Quebec and Ontario/USA border crossings for furtherance to points as authorized by the relevant jurisdictions and for the return of the same passengers on the same chartered trip to point of origin.

PROVIDED THAT:

1. there be no pick up or discharge of passengers except at point of origin;
2. the licensee be restricted to the use of Class "D" public vehicles as defined in paragraph (a)(iv) of subsection 1 of Section 7 of Regulation 982 under the *Public Vehicles Act*, R.S.O. 1990, Chapter P.54.

42247-L

Applies for an extension to public vehicle operating licence No. PV-4232 as follows:

DELETE:

For the transportation of passengers on a chartered trip from points in and the Town of Bradford West Gwillimbury, located in the County of Simcoe.

SUBSTITUTE:

For the transportation of passengers on a chartered trip from points in and the County of Simcoe.

SO THAT AS AMENDED THE LICENCE WILL READ AS FOLLOWS:

For the transportation of passengers on a chartered trip from points in the Regional Municipalities of Durham, Halton, Peel and York, the City of Toronto and the County of Simcoe.

PROVIDED that the licensee be restricted to the use of Class "D" public vehicles as defined in paragraph (a)(iv) of subsection 1 of Section 7 of Regulation 982 under the *Public Vehicles Act*, R.S.O. 1990, Chapter P.54.

Greater Hamilton Tours Inc.
112 King St. E., Suite 101, Hamilton,
Ont. L8N 1A8

45692/45692-A

Applies for the approval of the transfer of extra provincial operating licence No. X-3183 and public vehicle operating licence No. PV-5134 both now in the name of Alistair Hamilton, 112 King St. E., Ste. #101, Hamilton, Ont. L8N 1A8.

45692-B

Applies for an extra provincial operating licence as follows:

For the transportation of passengers on a chartered trip from points in the Regional Municipality of Waterloo to the Ontario/Quebec and Ontario/USA border crossings for furtherance to points as authorized by the relevant jurisdictions and for the return of the same passengers on the same chartered trip to point of origin.

PROVIDED THAT:

1. there be no pick up or discharge of passengers except at point of origin;
2. the licensee be restricted to the use of Class "D" public vehicles as defined in paragraph (a)(iv) of subsection 1 of Section 7 of Regulation 982 under the *Public Vehicles Act*, R.S.O. 1990, Chapter P.54.

45692-C

Applies for a public vehicle operating licence as follows:

For the transportation of passengers on a chartered trip from points in the Regional Municipality of Waterloo.

PROVIDED that the licensee be restricted to the use of Class "D" public vehicles as defined in paragraph (a)(iv) of subsection 1 of

Section 7 of Regulation 982 under the *Public Vehicles Act*, R.S.O. 1990, Chapter P.54.

Qualistar Tours Inc.
1380 Pittsburg Rd., Valencia, Pennsylvania 16059 U.S.A.

45691

Applies for an extra provincial operating licence as follows:

For the transportation of passengers on a chartered trip from points in the United States of America as authorized by the relevant jurisdiction from the Ontario/Manitoba, Ontario/Quebec and Ontario/USA border crossings:

1. to points in Ontario;
2. in transit through Ontario to the Ontario/Manitoba, Ontario/Quebec and Ontario/USA border crossings for furtherance and for the return of the same passengers on the same chartered trip to point of origin.

PROVIDED that there be no pick-up or discharge of passengers except at the point or origin.

Tang Wang Transports Co. Ltd.
79 Rameau Dr., Unit #7, Willowdale,
Ont. M2H 1T6

45690/45690-A

Applies for the approval of the transfer of extra provincial operating licence No. X-3202 and public vehicle operating licence No. PV-5147 both now in the name of Tam Minh, 79 Rameau Dr., Unit #7, Willowdale, Ont. M2H 1T6.

Felix D'Mello
 Board Secretary
 Secrétaire de la Commission

Government Notices Respecting Corporations Avis du gouvernement relatifs aux compagnies

Certificates of Dissolution Certificats de dissolution

NOTICE IS HEREBY GIVEN that a certificate of dissolution under the *Business Corporations Act*, has been endorsed: The effective date precedes the corporation listings.

AVIS EST DONNÉ PAR LA PRÉSENTE que, conformément à la *Loi sur les compagnies*, un certificat de dissolution a été inscrit pour les compagnies suivantes : la date d'entrée en vigueur précède la liste des compagnies visées.

Name of Corporation: Dénomination sociale de la compagnie :	Ontario Corporation Number Numero de la compagnie en Ontario
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1997-8-25	
ARMTEC INC.	568639
1999-2-12	
CAR ACCIDENT REHABILITATION SERVICES LTD.	1003251
PHYS-MED INC.	743678
1999-2-15	
454488 ONTARIO INC.	454488
650 / 7 HOLDINGS INC.	870695
1999-2-16	
AGRAPH ANIMATION INC.	1120508
1034278 ONTARIO INC.	1034278
1999-2-18	
PRIMEQUITY REALTY LTD.	858529
SIGN CRAFTERS INCORPORATED	1182769
1999-2-19	
1034501 ONTARIO LTD.	1034501
1999-2-22	
GRAECONCO INVESTMENTS LIMITED	820027

Name of Corporation: Dénomination sociale de la compagnie :	Ontario Corporation Number Numero de la compagnie en Ontario
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KROY-TECH FACILITY SERVICE GROUP INC.	1165989
PROFESSIONAL EQUIPMENT RENTAL CORP.	1122345
THAT'S SHOWBUSINESS INC.	269966
1999-3-4	
1130464 ONTARIO INC.	1130464
1999-3-5	
A. H. WARD CONSTRUCTION CO. LIMITED.	56619
CLEANHULL INC.	1018190
CRAWFORD MCCULLOUGH HOLDINGS LIMITED.	272080
TERSAM CONCRETE TECHNOLOGY INC.	880774
1304691 ONTARIO INC.	1304691
1999-3-8	
AGF GROWTH & INCOME FUND LIMITED/FONDS AGF	
DE CROISSANCE ET A REVENU LIMITEE	36300
B & M APPLIED INC.	945389
B & M BEARINGS AND POWER TRANSMISSION	
COMPANY LIMITED.	800126
DEAL ELECTRIC INC.	807235
RADIOCORP REALTY INC.	1014226
ROBERT CASE REALTY LIMITED.	280340
TORLIN FINANCIAL CONSULTANTS INC.	512888
879890 ONTARIO INC.	879890
1031823 ONTARIO INC.	1031823
1235493 ONTARIO LTD.	1235493
1999-3-9	
AGOSTINO CASSAVIA HOLDINGS LTD.	903067
CANETCO INC.	1323106
COMBINED DISTRIBUTORS & REPRESENTATIVES	
LIMITED.	218737
CORONATION HEALTH CENTRE INC.	1205463

Name of Corporation:	Ontario Corporation Number
Dénomination sociale	Numéro de la
de la compagnie :	compagnie en Ontario

G SHON DRY CLEANERS INC.	1273799
HANG FAT (CANADA) INC.	1190549
LEE WAI TRADING (CANADA) CO. LTD.	1122379
TELIN ELECTRIC LTD.	461459
WELLEX COMPANY OF CANADA LTD.	1047311

1999-3-10

ALBERTA PLACE INVESTMENTS INC.	741315
CANADIAN HIGHWAYS DESIGN CORPORATION.	1107439
LASMO CAPITAL CORPORATION	408800
LECA ENTERPRISE LIMITED	1152121
SHANTRO HOLDINGS INC.	662608
TERRY SIMMONS AUCTIONS INC.	1030170
WANOMES LIMITED	108433
940912 ONTARIO LIMITED.	940912

1999-3-11

B & G SULKY SHAFT LTD.	274428
EVRON HOLDINGS LIMITED	200220
MENARD FUNERAL HOME LIMITED	373183
PETIGORSKY, LIMITED	15531
PHOTOGRAPHICS ASIA HOLDINGS INC.	1038685
SANWA HOLDINGS CANADA INC.	908541
1039778 ONTARIO INC.	1039778
1042072 ONTARIO LIMITED.	1042072
1326230 ONTARIO LIMITED.	1326230

1999-3-12

E. H. WALKER HOLDINGS LIMITED	126663
MASSIPLAST PACKAGING INC.	1232860
MCL (N.R.O.) INC.	77573
MYRRDIN INC.	1216371
NALD MANAGEMENT LTD.	308796
NATHAN GOLD INVESTMENTS LIMITED	94223
PRIME LISTS CANADA LIMITED	1131219
TORONTO PROPERTY ADVISORY LTD.	492378

CAROL D. KIRSH,
Director, Companies Branch
Directrice, Direction des compagnies

13/99

Notice of Default in Complying with the Corporations Information Act Avis de non-observation de la loi sur les renseignements exigés des compagnies et des associations

NOTICE IS HEREBY GIVEN under subsection 241 (3) of the *Business Corporations Act* that unless the corporations listed hereunder comply with the filing requirements under the *Corporations Information Act* within 90 days of this notice orders dissolving the corporation(s) will be issued. The effective date precedes the corporation listings.

AVIS EST DONNÉ PAR LES PRÉSENTE que, conformément au paragraphe 241 (3) de la *Loi sur les sociétés par actions*, si les compagnies mentionnées ci-dessous ne se conforment pas aux exigences de dépôt requises par la *Loi sur les renseignements exigés des compagnies et des associations* dans un délai de 90 jours suivant la réception du présent avis, des ordonnances de dissolution seront délivrées contre lesdites compagnies. La date d'entrée en vigueur précède la liste des compagnies visées.

Name of Corporation:	Ontario Corporation Number
Dénomination sociale	Numéro de la
de la compagnie :	compagnie en Ontario

1998-8-26

ANNEX NEIGHBOURHOOD HOUSE.	1264926
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Name of Corporation:	Ontario Corporation Number
Dénomination sociale	Numéro de la
de la compagnie :	compagnie en Ontario

1998-8-26

LIFEPLAN FINANCIAL EDUCATION CORPORATION.	1134881
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1998-11-19

INSTITUTE FOR HEALTH CARE PROFESSIONALS INC. ...	1285930
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CAROL D. KIRSH,
Director, Companies Branch
Directrice, Direction des compagnies

13/99

Notice of Default in Complying with the Corporations Tax Act Avis d'inobservation de la loi sur les corporations

The Director has been notified by the Minister of Revenue that the following corporations are in default in complying with the *Corporations Tax Act*.

NOTICE IS HEREBY GIVEN under subsection 241 (1) of the *Business Corporations Act*, that unless the corporations listed hereunder comply with the requirements of the *Corporations Tax Act* within 90 days of this notice, orders will be made dissolving the defaulting corporations. All enquiries concerning this notice are to be directed to Corporations Tax Branch, Ministry of Revenue, 33 King Street West, Oshawa, Ontario, L1H 8H6.

Le ministre du Revenu a informé l'administrateur unique que les compagnies suivantes n'avaient pas respecté la *Loi sur l'imposition des personnes morales*.

AVIS EST DONNÉ PAR LA PRÉSENTE que, conformément au paragraphe 241 (1) de la *Loi sur les compagnies*, si les compagnies citées ci-dessous ne se conforment pas aux prescriptions énoncées par la *Loi sur l'imposition des personnes morales* dans un délai de 90 jours suivant la réception du présent avis, lesdites compagnies se verront dissoutes par décision. Pour tout renseignement relatif au présent avis, veuillez vous adresser à la Direction de l'imposition des compagnies, ministère du Revenu, 33, rue King ouest, Oshawa (Ontario) L1H 8H6.

Name of Corporation:	Ontario Corporation Number
Dénomination sociale	Numéro de la
de la compagnie :	compagnie en Ontario

ALASTAIR MACKAY REALTY INC.	364985
AUTOCRAFT FOREIGN CARS INC.	839665
BROOKS FINANCIAL CORPORATION	830021
CAREPRO COMMERCIAL SERVICES INC.	871481
CARMEN DI PAOLA REAL ESTATE LTD.	312997
D. JAIN INVESTMENTS LIMITED	933702
DEL-ROYAL INVESTMENTS INC.	544951
EKLIPSE ART & DESIGN INC.	505115
FAMO INTERNATIONAL (CANADA) TRADING LTD.	454195
GOODFRIEND HOMES LTD.	756837
GREAT NORTHERN INDUSTRIES INC.	598260
GREG BACKWELL LIMITED	256900
H. T. WOODS INSURANCE ADJUSTERS LTD.	535618
H&M LAMINATING INC.	922175
HOLLIS COMMUNICATIONS INC.	657066
I.C.R. CONSTRUCTION LIMITED	481076
J. MICHAELS (CHINOOK) INC.	987356
KAR-LYN DAY NURSERY LIMITED	300049
KENDALL KONTRACTING INC.	724005
LEDASH HOLDINGS LIMITED	474490
MAINTENANCE ANSWERS INC.	1000688
PLANNET REALTY INC.	942021
PREMIER GRENVILLE DEVELOPMENTS INC.	615697
RAIVAC CORPORATION	962691
STANDARD MORTGAGE INVESTMENT CORPORATION. ...	836224
WINFAIR HOLDINGS (LAGOON CITY) LIMITED.	979472
XTC HOLDINGS INC.	919863
1013899 ONTARIO LIMITED.	1013899

Name of Corporation:	Ontario Corporation Number
Dénomination sociale	Numéro de la
de la compagnie :	compagnie en Ontario

453939 ONTARIO LIMITED	453939
500017 ONTARIO INC.....	500017
619503 ONTARIO LIMITED	619503
657696 ONTARIO LTD.	657696
729 CANBORO ROAD PROPERTY INC.	842715
797247 ONTARIO LIMITED	797247
797536 ONTARIO LIMITED	797536
962241 ONTARIO LIMITED	962241

CAROL D. KIRSH,
Director, Companies Branch
Directrice, Direction des compagnies

13/99

Cancellation of Certificates of Incorporation (Corporations Tax Act Defaulters)

Annulation de certificats de constitution en personne morale (Non-respect de la loi sur l'imposition des personnes morales)

NOTICE IS HEREBY GIVEN that, under subsection 241 (4) of the *Business Corporations Act*, the Certificates of Incorporation of the corporations named hereunder have been cancelled by an order dated 1st March, 1999 for default in complying with the provisions of the *Corporations Tax Act*, and the said corporations have been dissolved on that date.

AVIS EST DONNÉ PAR LA PRÉSENTE que, conformément au paragraphe 241(4) de la *Loi sur les compagnies*, les certificats de constitution en personne morale des compagnies dont les noms apparaissent ci-dessous ont été annulés par décision datée du 1 mars 1999 pour non-respect des dispositions de la *Loi sur l'imposition des personnes morales* et que la dissolution des compagnies concernées prend effet à la date susmentionnée :

Name of Corporation:	Ontario Corporation Number
Dénomination sociale	Numéro de la
de la compagnie :	compagnie en Ontario

DENTON HOLDINGS INC.	530638
GEMWOOD LUMBER LTD.	966139
MARS FOOD (1984) LIMITED	605562
NORTHERN SCIENTIFIC INDUSTRIES INC.	709550
STANDARD-ROLLINS DEVELOPMENT CORPORATION	747373
STEVEN KIRSHENBLATT ARCHITECT INC.	606309
771506 ONTARIO INC.....	771506

CAROL D. KIRSH,
Director, Companies Branch
Directrice, Direction des compagnies

13/99

Cancellation of Certificates of Incorporation

(Business Corporations Act)

Annulation de certificat de constitution en personne morale (Loi sur les sociétés par actions)

NOTICE IS HEREBY GIVEN that by orders under subsection 241 (4) of the *Business Corporations Act*, the certificates of incorporation set out hereunder have been cancelled and corporation(s) have been dissolved. The effective date of cancellation precedes the corporation listing.

AVIS EST DONNÉ PAR LA PRÉSENTE que, conformément au paragraphe 241 (4) de la *Loi sur les sociétés par actions*, les certificats présentés ci-dessous ont été annulés et les compagnies ont été dissoutes. La dénomination sociale des compagnies concernées est précédée de la date de prise d'effet de l'annulation.

Name of Corporation:	Ontario Corporation Number
Dénomination sociale	Numéro de la compagnie
de la compagnie :	en Ontario

1999-3-16

BUDGET MOVING & STORAGE INC.	1208993
CENTENNIAL RAILINGS WOOD INC.	1286003
CLARKMUR DISPOSAL SERVICES.	1267934
CRONIC MOTOR SPORTS CORP.	1285938
INTERNATIONAL LOGISTIC INC.	1267177
THE UNITED AUTO COLLISION INC.	1285939
V&S LEGAL SERVICES INC.	1285768
YLJ OF CANADA LTD.	1267221
ZHENGDA (CANADA) LTD.	1285805
1254656 ONTARIO LIMITED.	1254656
1267082 ONTARIO INC.	1267082
1277357 ONTARIO LTD.	1277357
1285867 ONTARIO LTD.	1285867
1285872 ONTARIO LIMITED.	1285872
1285873 ONTARIO LTD.	1285873
1285874 ONTARIO LIMITED.	1285874
1285885 ONTARIO INC.	1285885
1285907 ONTARIO LTD.	1285907

CAROL D. KIRSH,
Director, Companies Branch
Directrice, Direction des compagnies

13/99

Applications to Provincial Parliament — Private Bills Demandes au Parlement provincial — Projets de loi d'intérêt privé

PUBLIC NOTICE

The rules of procedure and the fees and costs related to applications for Private Bills are set out in the Standing Orders of the Legislative Assembly. Copies of the Standing Orders may be obtained from:

Committees Branch
Room 1405, Whitney Block, Queen's Park
Toronto, Ontario M7A 1A2

Telephone: 416/325-3500 (Collect calls will be accepted.)

Applicants should note that consideration of applications for Private Bills that are received after the first day of September in any calendar year may be postponed until the first regular Session in the next following calendar year.

(8699) T.F.N. CLAUDE L. DESROSIERS,
Clerk of the Legislative Assembly.

Applications to Provincial Parliament Demandes au Parlement provincial

THE CORPORATION OF THE CITY OF WINDSOR

NOTICE IS HEREBY GIVEN THAT, on behalf of The Corporation of the City of Windsor, application will be made to the Legislative Assembly of the Province of Ontario for an Act to provide:

1. That the Windsor City Council may refuse an application to demolish or remove a designated property under the *Ontario Heritage Act* and that the owner of the property shall not demolish or remove the building unless:
 - (a) The owner has obtained a building permit to erect a new building on the site; or
 - (b) 180 days have elapsed from the date of refusal of permission to demolish.
2. Windsor City Council may refuse an application to demolish or remove a building in a heritage conservation district unless:
 - (a) The owner has obtained a building permit to erect a new building on the site; or
 - (b) 180 days have elapsed from the date of refusal of permission to demolish.
3. A person who is refused a demolition permit but who subsequently demolishes or removes a building pursuant to numbers 1 and 2 above shall within two years of the commencement of the demolition or removal substantially complete a new building on the site.
4. A person who has been unable to comply with the above may apply for relief from the time restriction, and Windsor City Council may grant such relief. Any person who has made an application for relief from the time restrictions may also make an application to the Ontario Municipal Board to extend the time period.
5. Any person who knowingly furnishes false information or who demolishes a designated property without permission and any person who has an obligation to erect a new building within a time period and who fails to do so shall be guilty of an offence.

The proposed legislation will permit the City of Windsor to refuse demolition permits for properties designated for historical or heritage purposes until such time as the owner intends to demolish them for the purposes of construction of a new building on the site.

The application will be considered by the Standing Committee on Regulations and Private Bills. Any person who has an interest in the application and who wishes to make submissions, for or against the application, to the Standing Committee on Regulations and Private Bills should notify, in writing, the Clerk of the Legislative Assembly, Legislative Building Queens Park, Toronto, Ontario, M7A 1A2.

Dated at Windsor, this 8th day of March, 1999.

BARRY R. HALLIWILL
Commissioner of Legal and Human Resources
The Corporation of the City of Windsor
Department of Legal and Human Resources
Legal Division
350 City Hall Square West
P. O. Box 1607
Windsor, Ontario
N9A 6S1

(2734) 12-15

Corporation Notices Avis relatifs aux compagnies

1145495 ONTARIO INC.

NOTICE IS HEREBY GIVEN that 1145495 Ontario Inc. intends to dissolve pursuant to the *Business Corporations Act*.

Dated at London, this 31st day of January, 1999.

(2741) 13
W. GLENN DOUPE,
President.

DOON-BROOK LIMITED

NOTICE IS HEREBY GIVEN that Doon-Brook Limited intends to dissolve pursuant to the *Business Corporations Act*.

Dated this 10th day of February, 1999.

(2742) 13
W.A. WAYNE McFAUL,
Executor for the Estate of Bruce Douglas McFaul.
HOWARD MASSON,
Executor for the Estate of Bruce Douglas McFaul.

E. P. GRAHAM MINING CONSULTANTS LTD.

NOTICE IS HEREBY GIVEN that E. P. Graham Mining Consultants Ltd. intends to dissolve pursuant to the *Business Corporations Act*.

Dated at Prescott, this 11th day of March, 1999.

(2743) 13
E. P. GRAHAM,
Secretary.

709324 ONTARIO INC. c.o.b. as James Adlington and Associates

NOTICE IS HEREBY GIVEN that 709324 Ontario Inc. carrying on business as James Adlington and Associates intends to dissolve pursuant to the *Business Corporations Act*.

Dated at Chesterville, this 12th day of March, 1999.

(2744) 13
PETER J. REMILLARD,
Solicitor.

UKRAINIAN CANADIAN PROFESSIONAL AND BUSINESS ASSOCIATION OF TORONTO Ontario Corporation Number 309695

NOTICE IS HEREBY GIVEN that the number of directors of the Ukrainian Canadian Professional and Business Association of Toronto was fixed at sixteen (16) by a Special Resolution which was confirmed by the members of the Corporation on the 8th day of June, 1998.

Dated this 8th day of June, 1998.

(2745) 13
TANYA WANIO,
Secretary.

UKRAINIAN CANADIAN PROFESSIONAL AND BUSINESS ASSOCIATION OF TORONTO Ontario Corporation Number 309695

NOTICE IS HEREBY GIVEN that, by a Special Resolution which was confirmed by the members of the Corporation on the 8th day of June, 1998, the Ukrainian Canadian Professional and Business Association of Toronto has passed a by-law that upon the dissolution of the Corporation and after the payment of all debts and liabilities, its remaining property shall be distributed or disposed of to charitable organizations or to organizations whose objects are beneficial to the community.

Dated this 8th day of June, 1998.

(2746) 13
TANYA WANIO,
Secretary.

P. A. C. E. S. INTERNATIONAL INC.

TAKE NOTICE CONCERNING WINDING UP of P. A. C. E. S. International Inc., Date of Incorporation: May 8, 1996, Liquidator: Frank, Gauder, 8 Truman Road, Barrie, Ontario, Date Appointed: November 6, 1997.

This notice is filed under subsection 205 (2) of the *Business Corporations Act*. A Meeting of the shareholders of the Corporation pursuant to subsection 205(1) of the Act was held on March 9, 1999.

Pursuant to subsection 205(3) of the *Business Corporations Act*, on the expiration of three months after the date of filing of this notice, the Corporation is dissolved.

Dated this 10th day of March, 1999.

(2753) 13

FRANK GAUDER,
Liquidator.

Miscellaneous Notices Avis divers

CHIEFTAIN INSURANCE COMPANY

Application for Insurance License

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Section 49 of the *Insurance Act* R.S.O. 1990, that Chieftain Insurance Company has applied for a license to transact the following classes of insurance: automobile, property and liability.

Dated at Toronto, this 27th day of March, 1999.

(2752) 13

WAYNE L. THORPE
Corporate Secretary.



Ontario
Energy
Board

Notice "C" E.B.A. 882

NOTICE OF APPLICATION AND NOTICE OF WRITTEN HEARING FRANCHISE APPROVAL FOR THE CORPORATION OF THE TOWNSHIP OF TUCKERSMITH

An Application has been filed by Union Gas Limited with the Ontario Energy Board for approval of a municipal franchise agreement for the right to construct and operate works to supply gas in the Township of Tuckersmith pursuant to sections 9 and 10 of the *Municipal Franchises Act*. The Application is to replace an existing franchise agreement between Union Gas Limited and the Corporation of the Township of Tuckersmith.

This notice does not constitute service but is published as a matter of record only.

Dated at Toronto, this 8th day of March, 1999.

ONTARIO ENERGY BOARD

(2754) 13

PETER H. O'DELL,
Assistant Board Secretary.

Sheriffs' Sales of Lands Ventes de terrains par le shérif

UNDER AND BY VIRTUE of a Writ of Seizure and Sale issued out of the Ontario Court (General Division) to me directed against the real and personal property of GERRY PERRON, Defendant, at the suit of HER MAJESTY THE QUEEN, Plaintiff, I have seized and taken in execution all the right, title, interest and equity of redemption of GERALD PERRON, Defendant, in and to:

Remainder of Parcel 16087 in the Register for Widdifield and Ferris being part of broken lot 18, Concession 2, Township of East Ferris, District of Nipissing.

This is Vacant Land. The property is said to front on a paved road (South Shore Rd.) situated in between residential houses on either side. It has a gentle slope from South Shore Road to a dead end gravel road (Roger Road), which borders the rear of the lot. From the rear of the lot there is a partial view of Lake Nosbonsing.

ALL OF WHICH said right, title, interest and equity of redemption of GERRY PERRON, Defendant, in the said lands and tenements, I shall offer for sale by Public Auction in this office, Room 110, Court House, 360 Plouffe Street, North Bay on Monday May 17th, 1999 at 3:00 in the afternoon.

The purchaser is responsible for all mortgages, charges, liens and encumbrances.

TERMS: Cash or certified cheque made payable to
Minister of Finance.
\$1,000.00 refundable deposit to register.
Deposit applied to purchase of successful bidder.
Successful bidder to deposit 10% of bid price
at time of sale.
Delivery only on payment in full.
Ten days to arrange financing.
Other conditions as announced.

This sale is subject to cancellation up to the time of sale without any further notice.

NOTE: No employee of The Ministry of the Attorney General may purchase, any goods or chattels, lands or tenements exposed by a Sheriff for sale under legal process, either directly or indirectly.

Dated at the City of North Bay, this 18th day of February, 1999.

(2747) 13

SHERIFF,
Territorial District of Nipissing.

File #3227/96
Crt #C36243-96

UNDER AND BY VIRTUE of a Writ of Seizure and Sale issued out of the Ontario Court (General Division) directed to the Sheriff of the Regional Municipality of Peel against the real and personal property of FRANCES SAVOIE, Debtor, at the suit of LAWRENCE, LAWRENCE, STEVENSON, Creditor, in and to:

Parcel 78-1, Section 43M-553, being whole of Lot 78, Plan 43M-553, City of Brampton, in the Regional Municipality of Peel.

Municipally known as 84 Turtlecreek Blvd, Brampton, Ontario. This is a 2 storey detached with garage, 3 bedrooms and pool.

ALL OF WHICH said right, title, interest and equity of redemption of FRANCES SAVOIE, Debtor, in the said land and tenements, I shall offer for sale by Public Auction in this office, 7765 Hurontario Street in Brampton on April 27, 1999 at 10:00 in the morning.

Mortgages approximately \$168,378.66

TERMS: Cash or certified cheque made payable to
Minister of Finance.
\$1,000.00 refundable deposit to register.
Deposit applied to purchase of successful bidder.
10 days to arrange financing.
Delivery only on payment in full.
Other conditions as announced.

This sale notice is subject to cancellation up to the time of sale without any further notice.

Dated at the City of Brampton, this 9th day of March, 1999.

ALISON HEDDEN,
Manager, Family, Enforcement
and Finance,
Regional Municipality of Peel,
(905) 452-6603.

(2748) 13

File #2372/98
Crt #37557/91U

UNDER AND BY VIRTUE of a Writ of Seizure and Sale issued out of the Ontario Court (General Division) directed to the Sheriff of the Regional Municipality of Peel against the real and personal property of JOHN MAURO, Debtor, at the suit of TRUMP TAJ MAHAL ASSOCIATES, Creditor, in and to:

Firstly: the southeasterly 7.62 metres (25') of Lot 13 and Secondly: the northwesterly 7.62 metres (25') of Lot 14, both on the northerly side of Elmwood Avenue, according to Plan 313, and being designated as Part 2 on Reference Plan 43R-9438, in the City of Mississauga, in the Regional Municipality of Peel. Registry Division of Peel.

Municipally known as 15 Elmwood Avenue South, Mississauga, Ontario L5G 3J6. This is a 4 bedroom 2 storey brick veneer home with a 2-car garage.

ALL OF WHICH said right, title, interest and equity of redemption of JOHN MAURO, Debtor, in the said land and tenements, I shall offer for sale by Public Auction in this office, 7765 Hurontario Street in Brampton on April 27, 1999 at 11:00 in the morning.

Mortgages: \$183,141.84 with Firstline Mortgages.

TERMS: Cash or certified cheque made payable to the Minister of Finance.
\$1,000.00 refundable deposit to register.
Deposit applied to purchase of successful bidder.
10 days to arrange financing.
Delivery only on payment in full.
Other conditions as announced.

This sale notice is subject to cancellation up to the time of sale without any further notice.

Dated at the City of Brampton, this 9th day of March, 1999.

ALISON HEDDEN,
Manager, Family, Enforcement
and Finance,
Regional Municipality of Peel,
(905) 452-6603.

(2749) 13

Sales of Lands for Tax Arrears by Public Tender Ventes de terrains par appel d'offres pour arriéré d'impôt

MUNICIPAL TAX SALES ACT

THE CORPORATION OF THE NATION MUNICIPALITY

TAKE NOTICE that tenders are invited for the purchase of the lands described below and will be received until 3:00 p.m. local time on the 26th day of April, 1999 at the Municipal Offices located at #958 Route 500 West, R.R. #3, Casselman, Ontario K0A 1M0.

The tenders will then be opened in public on the same day at the above address at 8:00 p.m.

Description of Land(s)	Minimum Tender Amount
Lot 163 - Plan 32 (former Township of Cambridge)	\$1,821.66

Description of Land(s)	Minimum Tender Amount
Pt. Gore Lot, Conc. 10 (former Township of Cambridge)	\$1,386.36
Pt. Gore Lot, Conc. 10 (former Township of Cambridge)	\$1,389.47
Lot 159, Plan 32 (former Township of Cambridge)	\$1,778.56
Pt. Lot 17, Conc. 5 (former Township of Cambridge)	\$5,924.26

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank, trust corporation or Province of Ontario Savings Office payable to the municipality or board and representing at least 20 per cent of the tender amount.

The Municipality makes no representation regarding the title to or any other matters relating to the land to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

This sale is governed by the *Municipal Tax Sales Act*, being chapter M. 60 of the Revised Statutes of Ontario, 1990 and the *Municipal Tax Sales Rules* made under that Act. The successful purchaser will be required to pay the amount tendered plus accumulated taxes and the relevant land transfer tax.

For further information regarding this sale and a copy of the prescribed form of tender, contact:

MARY J. MCCUAIG,
Clerk,
The Nation Municipality,
#958 Route 500 West, R.R. #3,
Casselman, Ontario
K0A 1M0.
Tel: (613) 764-5444.
Fax: (613) 764-3310

(2750) 13

MUNICIPAL TAX SALES ACT

R.S.O. 1990, c. M.60, s. 9 (1) (d), R.R.O. 1990, Reg. 824

THE CORPORATION OF THE TOWNSHIP OF CALVIN

TAKE NOTICE that tenders are invited for the purchase of the lands described below and will be received until 3:00 p.m. local time on the 22nd day of April, 1999 at Township Offices, 1355 Peddlers Drive, Mattawa, Ontario.

The tenders will then be opened in public on the same day at Township Offices at 3:30 p.m.

Description of Land(s)	Minimum Tender Amount
1. Parcel 7009, Nipissing, being Part of Lot 3, Concession 5, Township of Calvin, District of Nipissing	\$2,613.74
2. Remainder of Parcel 308, Nipissing, being Part of Lot 30, Concession 3, Township of Calvin, District of Nipissing	\$2,799.81
3. Lot 19, Concession 7, Township of Calvin, District of Nipissing	\$2,368.14

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank

draft or cheque certified by a bank, trust corporation or Province of Ontario Savings Office payable to the municipality or board and representing at least 20 per cent of the tender amount.

The Municipality makes no representation regarding the title to or any other matters relating to the land to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

This sale is governed by the *Municipal Tax Sales Act*, and the *Municipal Tax Sales Rules* made under that Act. The successful purchaser will be required to pay the amount tendered plus accumulated taxes and the relevant land transfer tax.

Note: G.S.T. may be payable by successful purchaser.

For further information regarding this sale and a copy of the prescribed form of tender contact:

KATHLEEN MOORE,
Clerk-Treasurer,
The Corporation of the Township
of Calvin,
R.R. #2,
Mattawa, Ontario
POH 1V0,
Tel: (705) 744-2700.

(2751) 13

MUNICIPAL TAX SALES ACT

THE CORPORATION TOWN OF BLIND RIVER

TAKE NOTICE that tenders are invited for the purchase of the lands described below and will be received until 3:00 p.m. local time on Friday, April 9, 1999, at the Municipal Office, 11 Hudson Street.

The tenders will then be opened in public on the same day at 3:15 p.m.

Description of Land(s)	Minimum Tender Amount
<i>(All properties are Vacant Land)</i>	
Lot 15 - Plan M-410 - Parcel 7047 - 2 Solomon St.	\$1,034.69
Lot 21 - Plan M-410 - Parcel 7053 - 14 Solomon St.	\$981.96
Lot 24 - Plan M-410 - Parcel 7056 - 20 Solomon St.	\$981.96
Lot 27 - Plan M-410 - Parcel 7059 - 26 Solomon St.	\$960.11
Lot 42 - Plan 2781 - 87 Victoria Avenue	\$1,467.97
Pt. Lot 50 - Plan 2713 - West Street	\$2,441.43
Lot 53 - Plan 2713 - 37 West Street	\$2,196.56
Pt. Lot 54 - Plan 2713 - West Street	\$2,160.14
Spt. Lot 4 - Parcel 5685 Part 10 - Striker Twp.....	\$356.17
Pts. 4, 5, 6, 8, 9, 10, 11, 12, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, - Plan 960 Patton/Pearson Avenues	\$63,087.69

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank, trust company or Province of Ontario Savings Office payable to the Corp. Town of Blind River and representing at least 20 per cent of the tender amount.

The Municipality makes no representation regarding the title to or any other matters relating to the land to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

This sale is governed by the *Municipal Tax Sales Act*, 1990 being chapter M. 60 of the Revised Statutes of Ontario as amended and the *Municipal Tax Sales Rules* made under that Act. The successful purchaser will be required to pay the amount tendered plus accumulated taxes and interest and the relevant land transfer tax.

For further information regarding this sale and a copy of the prescribed form of tender contact:

KEN CORBIERE,
Clerk Administrator/Treasurer,
Corporation Town of Blind River,
11 Hudson St., P.O. Box 640,
Blind River, Ontario
P0R 1B0,
Tel (705) 356-2251.

(2755) 13

MUNICIPAL TAX SALES ACT

THE CORPORATION OF THE CITY OF THUNDER BAY

TAKE NOTICE that tenders are invited for the purchase of the lands described below and will be received until 3:00 p.m. local time on Wednesday, April 14, 1999, at the Materials Management Division, Victoriaville Civic Centre, P.O. Box 800, 111 S. Syndicate Avenue, Thunder Bay, Ontario P7C 5K4.

The tenders will then be opened in public on the same day at 3:30 p.m. local time in the Materials Management Board Room.

Description of Land(s)	Minimum Tender Amount
Parcel 22192, Lots 26, 27 & Part Lots 28, 29, 30, 31, 32, 33, Plan 52 City of Thunder Bay District of Thunder Bay 1124 Waterford Street 0.61 acres 01 037 303 00	\$133,069.24
Parcel 23721, Part Lots 34, 35, 36, 37, 38, Thunder Bay Freehold, Plan M-52 City of Thunder Bay District of Thunder Bay Waterford Street 0.28 acres 01 037 304 00	\$7,360.55
Lot 55, East Side Regent Street Plan 1689, City of Thunder Bay District of Thunder Bay 41 Regent Street 33' front, 132' depth 01 040 117 00	\$14,949.32
Part of Lot 1, Plan 809, Parts 1, 2, 3, 4, Reference Plan 55R-924 City of Thunder Bay District of Thunder Bay Melon Street 202.04' front, irregular depth Easement to be reserved over this property 01 054 022 00	\$6,970.56
Lot 8 and South Half of Lot 9 Block 62, Plan 121 City of Thunder Bay District of Thunder Bay 475 N. Cumberland Street 78' front, 120' depth 01 066 091 00	\$27,061.19

Description of Land(s)	Minimum Tender Amount	Description of Land(s)	Minimum Tender Amount
Lots 148 and 149 Plan 545 City of Thunder Bay District of Thunder Bay 243 Otto Street 66' front, 104' depth 01 083 068 00	\$12,260.61	Island "C" in front of Lot 24 Concession 1, S. K. R. Township of Neebing City of Thunder Bay District of Thunder Bay Kaministiquia River irregular, 1.00 acres 03 107 050 10	\$2,515.99
Portion of Mining Location "O" Scott's Survey Part 1, Reference Plan 55R-4279 Township of McIntyre City of Thunder Bay District of Thunder Bay John Street Road 12.12 acres 02 099 472 20	\$6,367.86	Part Lot 18 Concession 2, N. K. R. Neebing Township City of Thunder Bay District of Thunder Bay off Lynda Avenue 50' front, .34 acres 03 108 051 10	\$2,003.85
Parcel 23279, Pt NE Quarter Section 9 Part 3, Plan 55R-6612 Former Township of McIntyre City of Thunder Bay District of Thunder Bay S/S Kivikoski Road 4.97 acres, 329.72 front, 655.92 depth 02 100 168 35	\$4,278.83	Lots 19 & 20, Block 6, Plan W-185 City of Thunder Bay District of Thunder Bay Bowman Avenue 50' front, 125' depth, .014 acres 03 108 206 01	\$2,491.48
Parcel 568-1, Section M-326 Lot 568, Plan M326 City of Thunder Bay District of Thunder Bay 205 Fanshaw Street 50' front, 103' depth Easement to be reserved over this property 02 101 736 57	\$19,106.60	Lots 21 and 22 Block 6, Plan W-185 City of Thunder Bay District of Thunder Bay Bowman Avenue 50' front, 125' depth, .014 acres 03 108 207 00	\$7,106.67
North 198 feet of Lot 61 Plan 522 City of Thunder Bay District of Thunder Bay Belton Street at Colville Street .54 acres, 198' front, 118' depth 02 103 202 00	\$5,714.47	Lot 19, Plan W-742 City of Thunder Bay District of Thunder Bay Baker Street 208.4 front, 3.00 acres 03 108 407 00	\$5,186.15
Northerly 198 feet Lot 63 Plan 522 City of Thunder Bay District of Thunder Bay Colville Street 119' front, 198' depth 02 103 206 00	\$2,419.80	Lots 17 to 20 Block 19, Plan W-215 City of Thunder Bay District of Thunder Bay Clarke Avenue at Kitchener Street 100' front, 95.00 depth, .21 acres 03 109 185 17	\$2,127.48
Lot 113, Plan 522 City of Thunder Bay District of Thunder Bay Cecil Street .81 acres, 119' front, 297' depth 02 103 257 00	\$2,516.34	Lot 3, Block 7, Plan W-54 City of Thunder Bay District of Thunder Bay 702 Simpson Street 25' front, 130' depth, .07 acres 04 120 046 00	\$22,906.46
Lot 24, Plan 608 City of Thunder Bay District of Thunder Bay off John Street Road & Whitepark Road 5.0 acres, 346.37 front, 628.8 depth 02 105 046 00	\$1,174.49	Lots 22 Block 2, Plan W-54 City of Thunder Bay District of Thunder Bay 248 Simpson Street 33' front, irregular depth 04 140 024 00	\$15,160.27
South Ten Acres Lot 17 Concession 6, S. K. R. Except Ptn formerly within Indian Reserve City of Thunder Bay District of Thunder Bay off 15th Side Road 03 106 205 00	\$3,584.20	Lots 23, 24, 25, 26 Block 2, Plan W-54 City of Thunder Bay District of Thunder Bay 245 Hardisty Street North 123' front, irregular depth 04 140 025 00	\$62,353.00

Description of Land(s)	Minimum Tender Amount
Southerly 20 feet Lot 13 Block D, McVicar Addition, Plan W-62 City of Thunder Bay District of Thunder Bay 128 May Street North 20' front, 100' depth 04 143 005 00	\$34,984.55
North Part Lot 6, Whole Lot 7 Block C, McVicar Addition, Plan W-62 City of Thunder Bay District of Thunder Bay 114 North Street 38' front, 100' depth 04 143 010 00	\$14,268.42
South Part of Lot 57 Plan 123 District of Thunder Bay 116 1/2 Syndicate Avenue 24.7' front, 97.5' depth 04 148 003 00	\$28,359.14
Lot 1, Plan W-223 City of Thunder Bay District of Thunder Bay Kingsley Street, McKellar Island 31' front, 108' depth, .08 acres 04 173 033 00	\$2,153.95
Parcel 1561, Lot 126 Fort William Freehold, Plan WM-36 City of Thunder Bay District of Thunder Bay 105 Street (McKellar Island) 24.9' front, 104.5' depth, .06 acres 04 173 188 00	\$2,284.25
Lot 75, Plan 168 City of Thunder Bay District of Thunder Bay 113th Street (McKellar Island) 33' front, 100' depth, .08 acres 04 173 379 00	\$1,977.92
Part of Lot 8, Parts 46 to 47 Concession 1 Township of Neebing City of Thunder Bay District of Thunder Bay 801 Montreal Street 569.85' front, 5.70 acres 04 233 023 00	\$527,218.10
Lot 75, Plan W-379 City of Thunder Bay District of Thunder Bay 1705 Crawford Avenue 25' front, 125' depth 04 234 048 00	\$6,640.24

The *Municipal Tax Sales Act* provides that "A tax deed or notice of vesting, when registered, vests in the person named therein or in the municipality, as the case may be, an estate in fee simple in the land, together with all rights, privileges and appurtenances and free from all estates and interests, subject only to any estates and interest of the Crown in right of Canada or in right of Ontario other than an estate or interest acquired by the crown in right of Ontario because of an escheat or forfeiture under the *Business Corporations Act* or the *Corporations Act* or a predecessor of those Acts.

The *Municipal Tax Sales Act* provides further that "A tax deed does not impose an obligation on the municipality to provide vacant possession".

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank, trust corporation or Province of Ontario Savings Office payable to the municipality and representing at least 20 per cent of the tender amount. Failure to include such tender deposit and to comply with other regulations shall result in the tender being rejected.

The Municipality makes no representation regarding the title to or any other matters relating to the land to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

This sale is governed by the *Municipal Tax Sales Act*, being Chapter M.60 of the Revised Statutes of Ontario 1990 and the *Municipal Tax Sales Rules* made under that Act. The successful purchaser will be required to pay the amount tendered plus accumulated taxes, charges, and the relevant land transfer tax, and G.S.T. where applicable.

The *Municipal Tax Sales Act* provides further that "A tax deed does not impose an obligation on the municipality to provide vacant possession".

This tender will be received on the forms provided by deposit in the locked tender box in the City Materials Management Office, Victoriaville Civic Centre, P. O. Box 800, 111S. Syndicate Avenue, Thunder Bay, Ontario P7C 5K4 until 3:00 p.m., Wednesday, April 14, 1999, and will be opened publicly in the board room of the Materials Management Office, same location, at 3:30 p.m. of the same day.

Fax and late tenders will not be accepted.

For further information regarding this sale and a copy of the prescribed form of tender, contact:

FINANCE DEPARTMENT,
Revenue Division,
The Corporation of the
City of Thunder Bay
City Hall
500 Donald Street East
Thunder Bay, Ontario P7C 5V3
Phone: (807) 625-2255
Fax: (807) 623-4277

(2756) 13

Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

1999—03—27

ONTARIO REGULATION 89/99 made under the ELECTRICITY ACT, 1998

Made: March 10, 1999
Filed: March 11, 1999

ELECTRICAL SAFETY AUTHORITY

1. Electrical Safety Authority, incorporated under the *Corporations Act* by letters patent dated January 12, 1999, is designated as the Electrical Safety Authority for the purposes of the *Electricity Act, 1998*.

13/99

ONTARIO REGULATION 90/99 made under the ONTARIO ENERGY BOARD ACT, 1998

Made: March 10, 1999
Filed: March 11, 1999

ELECTRICITY RETAILERS—LICENCE REQUIREMENTS

1. In this Regulation,

"residential or small business consumer" means a consumer who annually uses less than 150,000 kilowatt hours of electricity.

2. (1) An applicant for the issuance or renewal of a licence that allows for the retailing of electricity to residential or small business consumers must meet all of the following requirements:

1. Having regard to the financial position of the applicant, the applicant can reasonably be expected to be financially responsible in the conduct of business.
2. The past conduct of the applicant affords reasonable grounds for belief that the applicant will carry on business in accordance with law and with integrity and honesty.
3. If the applicant is a corporation, the past conduct of its officers and directors affords reasonable grounds for belief that its business will be carried on in accordance with law and with integrity and honesty.
4. The applicant is not carrying on activities that are, or will be, if the applicant is licensed, in contravention of the Act or the regulations or the rules made under Part III of the Act.
5. If the applicant is an individual, the applicant is at least 18 years old.

(2) If a requirement prescribed by subsection (1) is not met, the issuance or renewal of the licence shall be refused.

13/99

ONTARIO REGULATION 91/99 made under the POWER CORPORATION ACT

Made: February 19, 1999
Filed: March 11, 1999

Revoking O. Reg. 621/98
(Fees)

1. Ontario Regulation 621/98 is revoked.

2. This Regulation comes into force on the day subsection 113 (1) of the *Electricity Act, 1998* comes into force.

ONTARIO HYDRO:

R. W. OSBORNE
President and Chief Executive Officer

JOAN PRIOR
Acting Secretary

Dated on February 19, 1999.

13/99

ONTARIO REGULATION 92/99 made under the PLANNING ACT

Made: March 9, 1999
Filed: March 11, 1999

Amending O. Reg. 834/81
(Restricted Areas—District of Sudbury—Territorial
District of Sudbury)

Note: Since the end of 1997, Ontario Regulation 834/81 has been amended by Ontario Regulation 163/98. Previous amendments are listed in the Table of Regulations in the Statutes of Ontario, 1997.

1. Schedule 1 of Ontario Regulation 834/81 is amended by adding the following section:

163. (1) Despite subsection 4 (1) of the Order, the land described in subsection (5) shall be deemed to be in a Resort Commercial Zone.

(2) Despite sections 35 (1), (2), (3) and (5) of the Order, only a maximum of four (4) housekeeping cabins may be erected and used on the land described in subsection (5).

(3) A minimum of one parking space, for off-street vehicular parking, shall be provided on site for each housekeeping cabin.

(4) For the purposes of subsection 35 (4) of the Order, the mobile trailer existing on the lands described in subsection (5) on the date that this section comes into force shall be deemed to be a dwelling unit, and in the event that a replacement dwelling unit is constructed, the existing mobile trailer must be removed within 60 days of habitation of the replacement dwelling unit.

(5) This section applies to the parcel of land in the geographic Township of Sale in the Territorial District of Sudbury being location CL6422 designated as Part 1 on a Reference Plan 53R-13328 deposited in the Land Registry Office for the Land Titles Division of Sudbury (No. 53).

BARBARA KONYI
Manager

*Provincial Planning and Environmental Services Branch
Ministry of Municipal Affairs and Housing*

Dated on March 9, 1999.

13/99

ONTARIO REGULATION 93/99
made under the
PROVINCIAL OFFENCES ACT

Made: March 10, 1999
Filed: March 11, 1999

Amending Reg. 950 of R.R.O. 1990
(Proceedings Commenced by Certificate of Offence)

Note: Since the end of 1997, Regulation 950 has been amended by Ontario Regulations 148/98, 257/98, 399/98, 402/98 and 457/98. Previous amendments are listed in the Table of Regulations in the Statutes of Ontario, 1997.

1. Regulation 950 of the Revised Regulations of Ontario, 1990 is amended by adding the following Schedules:

Schedule 17.5

Fish and Wildlife Conservation Act, 1997

RÈGLEMENT DE L'ONTARIO 93/99
pris en application de la
LOI SUR LES INFRACTIONS PROVINCIALES

pris le 10 mars 1999
déposé le 11 mars 1999

modifiant le Règl. 950 des R.R.O. de 1990
(Instances introduites au moyen du dépôt d'un
procès-verbal d'infraction)

Remarque : Depuis la fin de 1997, le Règlement 950 a été modifié par les Règlements de l'Ontario 148/98, 257/98, 399/98, 402/98 et 457/98. Les modifications antérieures sont indiquées dans la Table des règlements figurant dans les Lois de l'Ontario de 1997.

1. Le Règlement 950 des Règlements refondus de l'Ontario de 1990 est modifié par adjonction des annexes suivantes :

ITEM	COLUMN 1	COLUMN 2
1.	Hunt specially protected mammal	clause 5 (1) (a)
2.	Hunt specially protected amphibian	clause 5 (1) (b)
3.	Hunt specially protected reptile	clause 5 (1) (c)
4.	Hunt specially protected invertebrate	clause 5 (1) (d)
5.	Hunt specially protected bird	clause 5 (1) (e)
6.	Hunt wild bird	clause 5 (1) (e)
7.	Trap specially protected mammal	clause 5 (1) (a)
8.	Trap specially protected amphibian	clause 5 (1) (b)
9.	Trap specially protected reptile	clause 5 (1) (c)
10.	Trap specially protected invertebrate	clause 5 (1) (d)
11.	Trap specially protected bird	clause 5 (1) (e)
12.	Trap wild bird	clause 5 (1) (e)
13.	Resident—hunt black bear without licence	clause 6 (1) (a)
14.	Resident—hunt white-tailed deer without a licence	clause 6 (1) (a)
15.	Resident—hunt moose without a licence	clause 6 (1) (a)
16.	Resident—hunt caribou without a licence	clause 6 (1) (a)
17.	Resident—hunt elk without licence	clause 6 (1) (a)
18.	Resident—hunt game mammal without licence	clause 6 (1) (b)
19.	Resident—hunt game bird without licence	clause 6 (1) (c)

ITEM	COLUMN 1	COLUMN 2
20.	Resident—hunt furbearing mammal without licence	clause 6 (1) (d)
21.	Resident—hunt game reptile without licence	clause 6 (1) (e)
22.	Resident—hunt game amphibian without licence	clause 6 (1) (f)
23.	Resident—hunt bird without licence	clause 6 (1) (g)
24.	Resident—hunt wildlife without licence	clause 6 (1) (h)
25.	Resident—trap black bear without licence	clause 6 (1) (a)
26.	Resident—trap game mammal without licence	clause 6 (1) (b)
27.	Resident—trap furbearing mammal without licence	clause 6 (1) (d)
28.	Resident—trap wildlife without licence	clause 6 (1) (h)
29.	Non-resident—hunt black bear without licence	clause 6 (1) (a)
30.	Non-resident—hunt white-tailed deer without a licence	clause 6 (1) (a)
31.	Non-resident—hunt moose without a licence	clause 6 (1) (a)
32.	Non-resident—hunt caribou without a licence	clause 6 (1) (a)
33.	Non-resident—hunt elk without licence	clause 6 (1) (a)
34.	Non-resident—hunt game mammal without licence	clause 6 (1) (b)
35.	Non-resident—hunt game bird without licence	clause 6 (1) (c)
36.	Non-resident—hunt furbearing mammal without licence	clause 6 (1) (d)
37.	Non-resident—hunt game reptile without licence	clause 6 (1) (e)
38.	Non-resident—hunt game amphibian without licence	clause 6 (1) (f)
39.	Non-resident—hunt bird without licence	clause 6 (1) (g)
40.	Non-resident—hunt wildlife without licence	clause 6 (1) (h)
41.	Non-resident—trap black bear without licence	clause 6 (1) (a)
42.	Non-resident—trap game mammal without licence	clause 6 (1) (b)
43.	Non-resident—trap furbearing mammal without licence	clause 6 (1) (d)
44.	Non-resident—trap wildlife without licence	clause 6 (1) (h)
45.	Unlawfully destroy egg of wild bird	subsection 7 (1)
46.	Unlawfully destroy nest of wild bird	subsection 7 (1)
47.	Unlawfully take egg of wild bird	subsection 7 (1)
48.	Unlawfully take nest of wild bird	subsection 7 (1)
49.	Unlawfully possess egg of wild bird	subsection 7 (1)
50.	Unlawfully possess nest of wild bird	subsection 7 (1)
51.	Unlawfully interfere with black bear in den	subsection 8 (1)
52.	Unlawfully damage black bear den	subsection 8 (1)
53.	Unlawfully damage dwelling of furbearing mammal	subsection 8 (2)
54.	Unlawfully damage beaver dam	subsection 8 (3)
55.	Unlawfully hunt wildlife in provincial park	subsection 9 (1)
56.	Unlawfully hunt wildlife in Crown game preserve	subsection 9 (1)
57.	Unlawfully trap wildlife in provincial park	subsection 9 (1)
58.	Unlawfully trap wildlife in Crown game preserve	subsection 9 (1)
59.	Unlawfully possess wildlife in provincial park	subsection 9 (1)
60.	Unlawfully possess wildlife in Crown game preserve	subsection 9 (1)
61.	Unlawfully possess firearm in provincial park	subsection 9 (2)
62.	Unlawfully possess firearm in Crown game preserve	subsection 9 (2)
63.	Unlawfully possess trap in provincial park	subsection 9 (2)

ITEM	COLUMN 1	COLUMN 2
64.	Unlawfully possess trap in Crown game preserve	subsection 9 (2)
65.	Unlawfully possess prohibited device in provincial park	subsection 9 (2)
66.	Unlawfully possess prohibited device in Crown game preserve	subsection 9 (2)
67.	Trespass for the purpose of hunting	clause 10 (1) (a)
68.	Trespass for the purpose of fishing	clause 10 (1) (a)
69.	Trespass in possession of firearm	clause 10 (1) (b)
70.	Trespass in possession of fishing rod	clause 10 (1) (b)
71.	Trespass in possession of other hunting or fishing device	clause 10 (1) (b)
72.	Hunt while trespassing	clause 10 (1) (c)
73.	Fish while trespassing	clause 10 (1) (c)
74.	Fail to leave premises when trespassing	clause 10 (1) (d)
75.	Fail to leave premises when trespassing	clause 10 (1) (e)
76.	Interfere with notice	subsection 10 (3)
77.	Trespass in party exceeding 12	subsection 10 (4)
78.	Unlawfully enter crops	subsection 10 (5)
79.	Unlawfully permit dog to enter crops	subsection 10 (5)
80.	Unlawfully trespass on Crown land	subsection 10 (6)
81.	Unlawfully hunt for gain	clause 11 (1) (a)
82.	Unlawfully hire a person to hunt for gain	clause 11 (1) (b)
83.	Unlawfully trap for gain	clause 11 (1) (c)
84.	Unlawfully hire a person to trap for gain	clause 11 (1) (d)
85.	Unlawfully pay bounty	clause 11 (1) (e)
86.	Unlawfully accept bounty	clause 11 (1) (e)
87.	Possess illegally killed wildlife	section 12
88.	Possess illegally injured wildlife	section 12
89.	Possess illegally captured wildlife	section 12
90.	Interfere with lawful hunting	subsection 13 (1)
91.	Interfere with lawful trapping	subsection 13 (1)
92.	Interfere with lawful fishing	subsection 13 (1)
93.	Unlawfully purport to give notice	subsection 13 (2)
94.	Hunt with firearm in unsafe area	section 14
95.	Fail to wear proper coloured clothing while hunting	section 15
96.	Fail to wear proper coloured clothing while trapping	section 15
97.	Use firearm carelessly to hunt	subsection 16 (1)
98.	Use firearm carelessly to trap	subsection 16 (1)
99.	Fail to report accident involving firearm	subsection 16 (2)
100.	Unlawfully have loaded firearm in vehicle	clause 17 (1) (a)
101.	Unlawfully discharge firearm from vehicle	clause 17 (1) (a)
102.	Unlawfully have loaded firearm in motorboat	clause 17 (1) (b)
103.	Unlawfully discharge firearm from motorboat	clause 17 (1) (b)
104.	Have loaded firearm in aircraft	clause 17 (1) (c)
105.	Discharge firearm from aircraft	clause 17 (1) (c)
106.	Unlawfully have loaded firearm in right of way in prescribed area	clause 17 (1) (d)
107.	Unlawfully discharge firearm in right of way in prescribed area	clause 17 (1) (d)

ITEM	COLUMN 1	COLUMN 2
108.	Unlawfully discharge firearm across right of way in prescribed area	clause 17 (1) (d)
109.	Unlawfully discharge firearm in travelled roadway	clause 17 (1) (e)
110.	Unlawfully discharge firearm across travelled roadway	clause 17 (1) (e)
111.	Use set firearm to hunt	section 18
112.	Hunt with shotgun not permanently plugged	section 19
113.	Unlawfully hunt at night	clause 20 (1) (a)
114.	Unlawfully possess firearm at night	clause 20 (1) (b)
115.	Unlawfully use light to hunt at night	clause 20 (1) (c)
116.	Unlawfully kill black bear by trap	subsection 21 (1)
117.	Unlawfully kill white-tailed deer by trap	subsection 21 (1)
118.	Unlawfully kill moose by trap	subsection 21 (1)
119.	Unlawfully kill caribou by trap	subsection 21 (1)
120.	Unlawfully kill elk by trap	subsection 21 (1)
121.	Unlawfully capture black bear by trap	subsection 21 (1)
122.	Unlawfully capture white-tailed deer by trap	subsection 21 (1)
123.	Unlawfully capture moose by trap	subsection 21 (1)
124.	Unlawfully capture caribou by trap	subsection 21 (1)
125.	Unlawfully capture elk by trap	subsection 21 (1)
126.	Unlawfully injure black bear by trap	subsection 21 (1)
127.	Unlawfully injure white-tailed deer by trap	subsection 21 (1)
128.	Unlawfully injure moose by trap	subsection 21 (1)
129.	Unlawfully injure caribou by trap	subsection 21 (1)
130.	Unlawfully injure elk by trap	subsection 21 (1)
131.	Kill game bird by trap	subsection 21 (3)
132.	Capture game bird by trap	subsection 21 (3)
133.	Injure game bird by trap	subsection 21 (3)
134.	Unlawfully use body-gripping trap	subsection 22 (1)
135.	Hunt black bear that is swimming	section 23
136.	Hunt white-tailed deer that is swimming	section 23
137.	Hunt moose that is swimming	section 23
138.	Hunt caribou that is swimming	section 23
139.	Hunt elk that is swimming	section 23
140.	Use vehicle to harass	subsection 24 (1)
141.	Unlawfully use boat to harass	subsection 24 (2)
142.	Unlawfully use aircraft while hunting	subsection 24 (3)
143.	Hunt black bear with unlicensed dog	subsection 25 (1)
144.	Hunt white-tailed deer with unlicensed dog	subsection 25 (1)
145.	Hunt moose with unlicensed dog	subsection 25 (1)
146.	Hunt black bear with dog in prescribed area	subsection 25 (2)
147.	Hunt white-tailed deer with dog in prescribed area	subsection 25 (2)
148.	Hunt moose with dog in prescribed area	subsection 25 (2)
149.	Permit dog to be at large in prescribed area during open season	clause 25 (3) (a)
150.	Permit dog to be at large during closed season	clause 25 (3) (b)
151.	Unlawfully use dogs to chase wildlife during closed season	section 26

ITEM	COLUMN 1	COLUMN 2
152.	Unlawfully hunt with specially protected raptor	subsection 27 (1)
153.	Unlawfully hunt with bird of prey	subsection 27 (1)
154.	Hunt with ferret	section 28
155.	Unlawfully use poison	subsection 29 (1)
156.	Unlawfully use adhesives	subsection 30 (1)
157.	Kill more wildlife than necessary	subsection 31 (4)
158.	Cause wildlife unnecessary suffering	subsection 31 (5)
159.	Fail to dispose of wildlife as directed	subsection 31 (10)
160.	Act as guide without licence	clause 32 (2) (a)
161.	Provide black bear hunting services without licence	clause 32 (2) (b)
162.	Use unlicensed guide	subsection 32 (4)
163.	Use unlicensed person to provide black bear hunting services	subsection 32 (4)
164.	Guide unlicensed person	subsection 32 (5)
165.	Provide black bear hunting services to unlicensed person	subsection 32 (5)
166.	Own game bird hunting preserve without licence	subsection 33 (1)
167.	Operate game bird hunting preserve without licence	subsection 33 (1)
168.	Own fishing preserve without licence	subsection 34 (1)
169.	Operate fishing preserve without licence	subsection 34 (1)
170.	Unlawfully own wildlife enclosure	subsection 35 (1)
171.	Unlawfully operate wildlife enclosure	subsection 35 (1)
172.	Abandon flesh suitable for food	subsection 36 (1)
173.	Waste flesh suitable for food	subsection 36 (2)
174.	Unlawfully abandon pelt of furbearing mammal	subsection 36 (3)
175.	Unlawfully permit pelt of furbearing mammal to be destroyed	subsection 36 (3)
176.	Unlawfully abandon flesh of fish suitable for food	clause 36 (5) (a)
177.	Unlawfully waste flesh of fish suitable for food	clause 36 (5) (b)
178.	Unlawfully possess fish net	subsection 37 (1)
179.	Unlawfully sell fish net	subsection 37 (2)
180.	Unlawfully keep live game wildlife	subsection 40 (1)
181.	Unlawfully keep live specially protected wildlife	subsection 40 (1)
182.	Unlawfully hunt game wildlife to keep it in captivity	subsection 40 (4)
183.	Unlawfully trap game wildlife to keep it in captivity	subsection 40 (4)
184.	Unlawfully hunt specially protected wildlife to keep it in captivity	subsection 40 (4)
185.	Unlawfully trap specially protected wildlife to keep it in captivity	subsection 40 (4)
186.	Unlawfully hunt farmed animal	clause 41 (1) (a)
187.	Unlawfully permit hunting of farmed animal	clause 41 (1) (a)
188.	Unlawfully hunt wildlife in captivity	clause 41 (1) (b)
189.	Unlawfully permit hunting of wildlife in captivity	clause 41 (1) (b)
190.	Fail to mark specially protected raptor	section 42
191.	Fail to mark prescribed bird of prey	section 42
192.	Fail to keep records	section 42
193.	Fail to surrender wildlife in custodian's possession	subsection 44 (5)
194.	Unlawfully offer to propagate wildlife	subsection 45 (1)
195.	Unlawfully propagate wildlife	subsection 45 (1)

ITEM	COLUMN 1	COLUMN 2
196.	Unlawfully possess wildlife for propagation	subsection 45 (1)
197.	Unlawfully release farmed animal	clause 46 (1) (a)
198.	Unlawfully release captive wildlife	clause 46 (1) (b)
199.	Fail to ensure farmed animal does not escape	subsection 46 (2)
200.	Fail to ensure wildlife does not escape	subsection 46 (2)
201.	Fail to notify Minister of escape or release	clause 46 (3) (a)
202.	Unlawfully fail to carry out obligations on escape or release	clause 46 (3) (b)
203.	Unlawfully engage in aquaculture	subsection 47 (1)
204.	Unlawfully buy game wildlife	subsection 48 (1)
205.	Unlawfully sell game wildlife	subsection 48 (1)
206.	Unlawfully buy specially protected wildlife	subsection 48 (1)
207.	Unlawfully sell specially protected wildlife	subsection 48 (1)
208.	Unlawfully buy pelts	subsection 48 (1)
209.	Unlawfully sell pelts	subsection 48 (1)
210.	Unlawfully sell animal represented as wildlife	section 49
211.	Unlawfully sell invertebrate represented as specially protected invertebrate	section 49
212.	Unlawfully possess black bear gall bladder	section 50
213.	Unlawfully buy fish	subsection 51 (1)
214.	Unlawfully sell fish	subsection 51 (1)
215.	Unlawfully list wildlife on menu	subsection 52 (1)
216.	Unlawfully list fish on menu	subsection 52 (1)
217.	Unlawfully charge for serving wildlife	subsection 52 (1)
218.	Unlawfully charge for serving fish	subsection 52 (1)
219.	Unlawfully import wildlife	section 53
220.	Unlawfully release imported wildlife	subsection 54 (1)
221.	Unlawfully release imported invertebrate	subsection 54 (1)
222.	Unlawfully release wildlife propagated from imported stock	subsection 54 (1)
223.	Unlawfully release invertebrate propagated from imported stock	subsection 54 (1)
224.	Fail to ensure imported wildlife does not escape	subsection 54 (2)
225.	Fail to ensure imported invertebrate does not escape	subsection 54 (2)
226.	Fail to ensure wildlife propagated from imported stock does not escape	subsection 54 (2)
227.	Fail to ensure invertebrate propagated from imported stock does not escape	subsection 54 (2)
228.	Unlawfully fail to notify Minister of escape or release	clause 54 (3) (a)
229.	Unlawfully fail to carry out obligations on escape or release	clause 54 (3) (b)
230.	Unlawfully export wildlife	subsection 55 (1)
231.	Unlawfully export wildlife for sale	subsection 55 (3)
232.	Unlawfully export wildlife for propagation	subsection 55 (3)
233.	Transport wildlife unlawfully killed, captured or possessed	section 56
234.	Transport fish unlawfully taken or possessed	section 56
235.	Transport unmarked container	subsection 57 (1)
236.	Unlawfully possess wildlife from another jurisdiction	subsection 58 (1)
237.	Unlawfully possess invertebrates from another jurisdiction	subsection 58 (1)
238.	Unlawfully possess fish from another jurisdiction	subsection 58 (1)
239.	Sell wildlife from another jurisdiction where sale is prohibited	subsection 58 (2)

ITEM	COLUMN 1	COLUMN 2
240.	Offer to sell wildlife from another jurisdiction where sale is prohibited	subsection 58 (2)
241.	Sell invertebrate from another jurisdiction where sale is prohibited	subsection 58 (2)
242.	Offer to sell invertebrate from another jurisdiction where sale is prohibited	subsection 58 (2)
243.	Unlawfully possess imported pelts	section 59
244.	Unlawfully remove seal or mark from imported pelts	section 59
245.	Unlawfully fail to comply with licence issuing manual	subsection 61 (2)
246.	Fail to comply with conditions of licence	subsection 62 (5)
247.	Fail to comply with conditions of authorization	subsection 62 (5)
248.	Unlawfully hold more than one licence to hunt black bear	clause 63 (1) (a)
249.	Unlawfully hold more than one licence to hunt white-tailed deer	clause 63 (1) (b)
250.	Unlawfully hold more than one licence to hunt moose	clause 63 (1) (c)
251.	Unlawfully hold more than one licence to hunt caribou	clause 63 (1) (d)
252.	Unlawfully hold more than one licence to hunt elk	clause 63 (1) (e)
253.	Unlawfully issue licence to a minor	subsection 64 (1)
254.	Hunt without having licence on your person	section 66
255.	Hunt without having authorization on your person	section 66
256.	Trap without having licence on your person	section 66
257.	Trap without having authorization on your person	section 66
258.	Fish without having licence on your person	section 66
259.	Fish without having authorization on your person	section 66
260.	Fail to produce licence for conservation officer	section 67
261.	Fail to produce authorization for conservation officer	section 67
262.	Unlawfully transfer licence	clause 68 (1) (a)
263.	Unlawfully buy licence	clause 68 (1) (b)
264.	Unlawfully sell licence	clause 68 (1) (b)
265.	Unlawfully use another person's licence	subsection 68 (2)
266.	Enable someone to unlawfully use licence	subsection 68 (4)
267.	Possess incomplete licence	section 69
268.	Possess void licence	subsection 70 (3)
269.	Possess void authorization	subsection 70 (3)
270.	Use void licence	subsection 70 (3)
271.	Use void authorization	subsection 70 (3)
272.	Display void licence	subsection 70 (3)
273.	Display void authorization	subsection 70 (3)
274.	Permit void licence to be displayed	subsection 70 (3)
275.	Permit void authorization to be displayed	subsection 70 (3)
276.	Fail to surrender void licence	subsection 70 (4)
277.	Fail to surrender void authorization	subsection 70 (4)
278.	Unlawfully hunt without municipal licence	subsection 79 (3)
279.	Fail to submit document in required form	subsection 82 (2)
280.	Make a false statement in a document	subsection 82 (3)
281.	Fail to pay fees	subsection 83 (3)
282.	Fail to pay royalties	subsection 83 (3)
283.	Fail to stop for conservation officer	subsection 89 (2)

ITEM	COLUMN 1	COLUMN 2
284.	Fail to produce things for inspection	subsection 89 (2)
285.	Fail to provide information during inspection	subsection 90 (8)
286.	Make a false statement to a conservation officer	clause 96 (a)
287.	Obstruct conservation officer	clause 96 (b)
288.	Fail to surrender cancelled licence	subsection 104 (5)

Schedule 17.6

Ontario Regulation 664/98 under the
Fish and Wildlife Conservation Act, 1997

ITEM	COLUMN 1	COLUMN 2
1.	Fail to notify the Ministry of change of information	subsection 3 (3)
2.	Apply for more than one outdoors card	subsection 3 (6)
3.	Possess more than one outdoors card	subsection 3 (6)
4.	Fail to make daily return	clause 14 (1) (a)
5.	Fail to make monthly return	clause 14 (1) (b)
6.	Fail to make return for sale of fish	clause 14 (1) (c)
7.	Fail to make annual bait fish return	subsection 14 (4)
8.	Submit more than one application	subsection 16 (3)
9.	Possess more than one tag	subsection 16 (3)
10.	Fail to affix tag	subsection 16 (4)
11.	Fail to attach seal to jaw of lake trout	subsection 16 (5)
12.	Fail to keep seal attached to jaw of lake trout	subsection 16 (5)
13.	Fail to report fish collected	subsection 17 (2)
14.	Fail to forward annual report	subsection 17 (3)
15.	Fail to immediately report diseased fish	subsection 22 (1)
16.	Unlawfully sell diseased fish	subsection 22 (2)
17.	Unlawfully dispose of diseased fish	subsection 22 (2)
18.	Stock diseased fish	section 27
19.	Fail to make royalty payment	subsection 34 (2)
20.	Place fishing hut on ice with number not displayed	subsection 37 (1)
21.	Occupy fishing hut on ice with number not displayed	subsection 37 (1)
22.	Place fishing hut on ice after removal date	section 38
23.	Use fishing hut on ice after removal date	section 38
24.	Occupy fishing hut on ice after removal date	section 38
25.	Leave fishing hut on ice after removal date	section 38

Schedule 17.7

Ontario Regulation 665/98 under the
Fish and Wildlife Conservation Act, 1997

ITEM	COLUMN 1	COLUMN 2
1.	Apply for more than one outdoors card	subsection 6 (1)
2.	Possess more than one outdoors card	subsection 6 (1)
3.	Fail to notify the Ministry of change of information	subsection 6 (2)
4.	Fail to return outdoors card	subsection 6 (3)
5.	Fail to ensure apprentice is in compliance	subsection 11 (1)

ITEM	COLUMN 1	COLUMN 2
6.	Unlawfully apply for re-examination for hunting licence	subsection 12 (4)
7.	Fail to immediately attach seal to moose	clause 17 (1) (a)
8.	Fail to immediately attach seal to deer	clause 17 (1) (a)
9.	Fail to immediately attach seal to bear	clause 17 (1) (a)
10.	Fail to immediately attach seal to wild turkey	clause 17 (1) (a)
11.	Fail to properly attach seal to moose	clause 17 (1) (a)
12.	Fail to properly attach seal to deer	clause 17 (1) (a)
13.	Fail to properly attach seal to bear	clause 17 (1) (a)
14.	Fail to properly attach seal to wild turkey	clause 17 (1) (a)
15.	Transport moose without seal attached	clause 17 (1) (b)
16.	Transport deer without seal attached	clause 17 (1) (b)
17.	Transport bear without seal attached	clause 17 (1) (b)
18.	Transport wild turkey without seal attached	clause 17 (1) (b)
19.	Fail to keep seal attached to wild turkey	clause 17 (1) (b)
20.	Unlawfully attach seal to bull moose	subsection 17 (2)
21.	Unlawfully attach seal to cow moose	subsection 17 (2)
22.	Unlawfully attach seal to antlerless deer	subsection 17 (2)
23.	Fail to provide information required on seal	section 18
24.	Unlawfully possess another person's seal	section 19
25.	Attach seal to moose killed by another person	section 20
26.	Attach seal to deer killed by another person	section 20
27.	Attach seal to bear killed by another person	section 20
28.	Attach seal to wild turkey killed by another person	section 20
29.	Unlawfully hunt deer in a party in a designated WMU	subsection 24 (1)
30.	Non-resident—unlawfully hunt moose in a party	subsection 24 (2)
31.	Unlawfully hunt moose in a party in WMU 11B	subsection 24 (3)
32.	Non-resident—unlawfully hunt bear in a party	subsection 24 (4)
33.	Hunt moose during the closed season	subsection 25 (2)
34.	Hunt deer during the closed season	subsection 25 (2)
35.	Hunt bear during the closed season	subsection 25 (2)
36.	Hunt caribou during the closed season	subsection 25 (2)
37.	Hunt elk during the closed season	subsection 25 (2)
38.	Hunt game bird during the closed season	subsection 25 (2)
39.	Hunt wild turkey during the closed season	subsection 25 (2)
40.	Hunt small game during the closed season	subsection 25 (2)
41.	Hunt cottontail during the closed season	subsection 25 (2)
42.	Hunt varying hare during the closed season	subsection 25 (2)
43.	Hunt European hare during the closed season	subsection 25 (2)
44.	Hunt gray (black) squirrel during the closed season	subsection 25 (2)
45.	Hunt fox squirrel during the closed season	subsection 25 (2)
46.	Hunt bullfrog during the closed season	subsection 25 (2)
47.	Hunt snapping turtle during the closed season	subsection 25 (2)
48.	Hunt furbearing mammal during closed season	subsection 25 (2)
49.	Kill more small game than limit	subsection 25 (3)

ITEM	COLUMN 1	COLUMN 2
50.	Capture more small game than limit	subsection 25 (3)
51.	Possess more small game than limit	subsection 25 (3)
52.	Hunt small game during prohibited time of day	subsection 25 (4)
53.	Fail to wear hunter orange while hunting	subsection 26 (1)
54.	Unlawfully hunt wild turkey	subsection 32 (1)
55.	Possess more than two licences to hunt wild turkey	subsection 33 (1)
56.	Fail to register wild turkey	subsection 33 (2)
57.	Unlawfully kill more than one wild turkey	subsection 33 (3)
58.	Kill more than two wild turkeys	subsection 33 (5)
59.	Possess more than two wild turkeys	subsection 33 (5)
60.	Hunt bullfrogs in prohibited area	subsection 38 (1)
61.	Hunt frogs in Nogies Creek	subsection 38 (2)
62.	Unlawfully remove upper shell of snapping turtle	section 39
63.	Unlawfully kill more than one deer	clause 43 (1) (a)
64.	Unlawfully kill more than two deer	clause 43 (1) (b)
65.	Unlawfully hunt deer in WMU 82C	subsection 44 (1)
66.	Unlawfully hunt deer in WMU 93C	subsection 44 (1)
67.	Fail to affix validation tag to licence	subsection 45 (1)
68.	Unlawfully hunt antlerless deer without validation tag	subsection 45 (2)
69.	Unlawfully apply for more than one tag	subsection 45 (3)
70.	Unlawfully possess more than one tag	subsection 45 (3)
71.	Unlawfully hunt deer in controlled deer hunt without validation tag	subsection 46 (1)
72.	Contravene conditions of tag	subsection 46 (2)
73.	Fail to carry controlled deer hunt tag	subsection 46 (3)
74.	Unlawfully possess more than one tag	subsection 46 (4)
75.	Fail to park in designated area for WMU 82C deer hunt	clause 47 (a)
76.	Fail to report	clause 47 (b)
77.	Fail to produce deer for inspection	clause 47 (b)
78.	Fail to return completed questionnaire	subsection 48 (1)
79.	Unlawfully kill more than one moose	section 51
80.	Resident—fail to affix validation tag to licence	subsection 52 (4)
81.	Non-resident—fail to affix validation tag to licence	subsection 53 (2)
82.	Fail to be registered guest of tourist outfitter	subsection 53 (7)
83.	Unlawfully issue validation tag	subsection 53 (8)
84.	Unlawfully apply for more than one tag	clause 53 (9) (a)
85.	Unlawfully possess more than one tag	clause 53 (9) (b)
86.	Unlawfully hunt bull moose without validation tag	subsection 54 (1)
87.	Unlawfully hunt cow moose without validation tag	subsection 54 (1)
88.	Fail to return completed questionnaire	subsection 55 (4)
89.	Unlawfully kill more than one bear	section 58
90.	Landowner—unlawfully hunt bear in WMU	subsection 60 (3)
91.	Unlawfully issue certificate	subsection 60 (5)
92.	Unlawfully issue certificate to non-resident	subsection 60 (7)
93.	Unlawfully issue certificate to non-resident	subsection 60 (8)

ITEM	COLUMN 1	COLUMN 2
94.	Fail to give original copy to applicant	clause 60 (9) (a)
95.	Fail to complete certificate	clause 60 (9) (b)
96.	Fail to present copy of certificate to hunter at end of hunt	clause 60 (9) (c)
97.	Fail to retain duplicate copy	clause 60 (9) (d)
98.	Fail to return copy of certificate	clause 60 (9) (e)
99.	Fail to return unissued certificate	clause 60 (9) (f)
100.	Fail to submit completed report	subsection 60 (11)
101.	Unlawfully shoot cub	subsection 61 (1)
102.	Unlawfully shoot female bear	subsection 61 (1)
103.	Hunt bear within 400 metres of dump	section 62
104.	Unlawfully possess firearm	clause 64 (a)
105.	Unlawfully use firearm	clause 64 (b)
106.	Unlawfully possess loaded firearm	subsection 65 (1)
107.	Unlawfully possess loaded firearm within 8 metres of road	subsection 65 (2)
108.	Unlawfully carry firearm for hunting on Sunday	subsection 66 (1)
109.	Unlawfully discharge firearm for hunting on Sunday	subsection 66 (1)
110.	Possess prohibited ammunition	subsection 67 (1)
111.	Unlawfully possess rifle greater than .22 calibre	subsection 67 (2)
112.	Unlawfully use firearm during bow hunt	section 69
113.	Unlawfully carry firearm during bow hunt	section 69
114.	Use illegal firearm during moose hunt	section 70
115.	Carry illegal firearm during moose hunt	section 70
116.	Use illegal firearm during deer hunt	section 70
117.	Carry illegal firearm during deer hunt	section 70
118.	Use illegal firearm during deer hunt	section 71
119.	Carry illegal firearm during deer hunt	section 71
120.	Use illegal firearm during deer hunt	section 72
121.	Carry illegal firearm during deer hunt	section 72
122.	Use illegal firearm during deer hunt	section 73
123.	Carry illegal firearm during deer hunt	section 73
124.	Use illegal firearm during deer hunt	section 74
125.	Carry illegal firearm during deer hunt	section 74
126.	Use rim-fire rifle when hunting big game	section 75
127.	Unlawfully use shotgun when hunting big game	section 75
128.	Use prohibited shot when hunting big game	section 75
129.	Hunt pheasant with rifle	section 76
130.	Unlawfully possess rifle greater than .22 calibre	clause 77 (1) (a)
131.	Unlawfully use rifle greater than .22 calibre	clause 77 (1) (a)
132.	Unlawfully possess prohibited shells	clause 77 (1) (b)
133.	Unlawfully use prohibited shells	clause 77 (1) (b)
134.	Carry rifle greater than .275 calibre	section 78
135.	Use rifle greater than .275 calibre	section 78
136.	Hunt wild turkey with illegal firearm	section 79
137.	Carry other than .22 calibre when hunting raccoon at night	clause 80 (a)

ITEM	COLUMN 1	COLUMN 2
138.	Use other than .22 calibre when hunting raccoon at night	clause 80 (a)
139.	Unlawfully possess firearm in a vehicle	clause 80 (b)
140.	Unlawfully possess firearm in a boat	clause 80 (b)
141.	Hunt with prohibited crossbow	clause 82 (a)
142.	Possess prohibited crossbow	clause 82 (a)
143.	Hunt with prohibited bow	clause 82 (b)
144.	Possess prohibited bow	clause 82 (b)
145.	Hunt with prohibited arrow	clause 82 (c)
146.	Possess prohibited arrow	clause 82 (c)
147.	Hunt with prohibited bolt	clause 82 (d)
148.	Possess prohibited bolt	clause 82 (d)
149.	Hunt big game with weapon other than firearm	section 83
150.	Unlawfully hunt bullfrog with a firearm	subsection 84 (1)
151.	Unlawfully hunt turtle	section 85
152.	Unlawfully capture turtle	section 85
153.	Hunt raccoon without licensed dog	section 87
154.	Unlawfully kill red fox	clause 90 (2) (a)
155.	Unlawfully capture red fox	clause 90 (2) (a)
156.	Unlawfully possess firearm	clause 90 (2) (b)
157.	Unlawfully use firearm	clause 90 (2) (b)
158.	Use unauthorized number of dogs	clause 90 (2) (c)
159.	Be accompanied by unauthorized number of dogs	clause 90 (2) (c)
160.	Non-resident—hunt deer without guide	clause 94 (3) (a)
161.	Non-resident—hunt moose without guide	clause 94 (3) (a)
162.	Non-resident—hunt deer without minimum number of guides	clause 94 (3) (b)
163.	Non-resident—hunt moose without minimum number of guides	clause 94 (3) (b)
164.	Unlawfully remove game bird from preserve	subsection 99 (1)
165.	Fail to retain statement	subsection 99 (2)
166.	Fail to deliver statement	subsection 99 (3)
167.	Unlawfully hunt in area set out in Schedule	section 104
168.	Fail to hunt from rented site	subsection 109 (2)
169.	Erect blind for rent	section 116
170.	Erect blind without authority	subsection 117 (2)
171.	Unlawfully hunt in Bruton and Clyde	subsection 120 (1)
172.	Fail to return completed questionnaire	subsection 120 (2)
173.	Unlawfully hunt in special hunting area	subsection 121 (1)
174.	Unlawfully hunt in Hullett Hunting Area	subsection 123 (3)
175.	Unlawfully enter Beaver Meadow Hunting Area	section 124
176.	Unlawfully leave Beaver Meadow Hunting Area	section 124
177.	Unlawfully enter Camden Lake Hunting Area	section 124
178.	Unlawfully leave Camden Lake Hunting Area	section 124
179.	Fail to report bear that was killed	subsection 130 (1)
180.	Fail to provide required information on bear that was killed	subsection 130 (2)
181.	Agent—use firearm without qualifications	subsection 132 (2)

ITEM	COLUMN 1	COLUMN 2
182.	Fail to release live wildlife	clause 133 (1) (a)
183.	Fail to deliver wildlife to custodian	clause 133 (1) (b)
184.	Release wildlife without landowner permission	subsection 133 (2)

Schedule 17.8

Ontario Regulation 666/98 under the
Fish and Wildlife Conservation Act, 1997

ITEM	COLUMN 1	COLUMN 2
1.	Fail to report acquisition of carcass of bear	subsection 2 (1)
2.	Fail to report acquisition of carcass of caribou	subsection 2 (1)
3.	Fail to report acquisition of carcass of deer	subsection 2 (1)
4.	Fail to report acquisition of carcass of elk	subsection 2 (1)
5.	Fail to report acquisition of carcass of moose	subsection 2 (1)
6.	Fail to report acquisition of specially protected raptor	subsection 2 (2)
7.	Fail to register specially protected raptor	subsection 2 (2)
8.	Fail to report acquisition of carcass of furbearing mammal	subsection 2 (3)
9.	Unlawfully possess pelt	subsection 3 (1)
10.	Unlawfully possess pelt during the closed season	subsection 3 (5)
11.	Fail to retain documents with respect to farmed animals that are furbearing mammals	subsection 4 (1)
12.	Fail to prepare documents with respect to farmed animals that are furbearing mammals as required	subsection 4 (2)
13.	Tan pelts without a licence	subsection 5 (1)
14.	Pluck pelts without a licence	subsection 5 (1)
15.	Treat pelts without a licence	subsection 5 (1)
16.	Fur dealer—accept pelts for tanning from a person without a licence	subsection 5 (4)
17.	Fur dealer—fail to obtain licence to send pelts to a tanner	subsection 5 (5)
18.	Fur dealer—fail to mail licence to send pelts to a tanner	subsection 5 (5)
19.	Send pelt to a tanner without holding required licence	subsection 6 (1)
20.	Fur dealer—unlawfully sell pelts	section 9
21.	Farmer—fail to complete season-end harvest report	subsection 11 (1)
22.	Farmer—fail to submit season-end harvest report	subsection 11 (1)
23.	Farmer—fail to produce licence to sell pelts at time of sale	subsection 11 (2)
24.	Sell pelt of furbearing mammal killed under small game licence without producing licence	subsection 12 (3)
25.	Trapper—fail to produce licence at time of sale	section 13
26.	Trapper—unlawfully sell more pelts than are specified in required licence	section 14
27.	Farmer—unlawfully sell more pelts than are specified in required licence	section 14
28.	Unlawfully sell pelts of furbearing mammal killed during the closed season	subsection 15 (1)
29.	Fur dealer—unlawfully buy pelts	subsection 16 (1)
30.	Unlawfully accept delivery of pelts in Ontario	subsection 17 (2)
31.	Unlawfully sell pelts bought at a fur auction house	subsection 17 (2)
32.	Fur dealer—unlawfully register to buy pelts	subsection 17 (3)
33.	Register to buy pelts before July 1	subsection 17 (5)
34.	Fur dealer—fail to record transaction	subsection 18 (1)
35.	Fur dealer—fail to submit records	clause 18 (2) (a)
36.	Fur dealer—fail to retain records	clause 18 (2) (b)

ITEM	COLUMN 1	COLUMN 2
37.	Fur dealer—fail to make nil return	subsection 18 (4)
38.	Fur dealer—fail to keep required document recording buying of farmed animals	subsection 18 (5)
39.	Taxidermist—fail to keep records	section 19
40.	Seller—fail to make invoice of sale of furbearing mammal carcass	subsection 20 (7)
41.	Unlawfully buy carcass of furbearing mammal for consumption	subsection 20 (8)
42.	Unlawfully sell carcass of furbearing mammal for consumption	subsection 20 (8)
43.	Sell furbearing mammal carcass without required written advice	subsection 20 (9)
44.	Hide and cast antlers dealer—fail to keep record of buying	subsection 24 (1)
45.	Hide and cast antlers dealer—fail to keep required record	subsection 24 (2)
46.	Seller—fail to give required invoice of sale of game bird	subsection 26 (1)
47.	Seller—fail to retain invoice of sale	subsection 26 (2)
48.	Buyer—fail to retain invoice of purchase of live bird	subsection 26 (3)
49.	Buyer—fail to retain invoice of purchase of pheasant carcass	subsection 26 (4)
50.	Seller—fail to give invoice of sale of bullfrog	subsection 28 (2)
51.	Seller—fail to retain invoice of sale of bullfrogs	subsection 28 (3)
52.	Seller—fail to make annual report of sale of bullfrogs	subsection 28 (4)
53.	Seller—fail to submit annual report of sale of bullfrogs	subsection 28 (4)
54.	Transport bear out of Ontario without permit	clause 30 (1) (a)
55.	Transport deer out of Ontario without permit	clause 30 (1) (a)
56.	Transport moose out of Ontario without permit	clause 30 (1) (a)
57.	Transport furbearing mammal out of Ontario without permit	clause 30 (1) (b)
58.	Transport pelt out of Ontario without permit	clause 30 (1) (b)
59.	Dealer—transport hides out of Ontario without a permit	clause 30 (1) (a)
60.	Dealer—transport cast antlers out of Ontario without a permit	clause 30 (1) (a)
61.	Non-resident—unlawfully transport out of Ontario more game wildlife than permitted	subsection 30 (3)
62.	Transport furbearing mammal without paying required royalty	subsection 32 (1)

Schedule 17.9

Ontario Regulation 667/98 under the
Fish and Wildlife Conservation Act, 1997

ITEM	COLUMN 1	COLUMN 2
1.	Unlawfully trap black bear	section 2
2.	Unlawfully trap furbearing mammal	section 2
3.	Unlawfully kill more furbearing mammals than fixed by licence	section 6
4.	Unlawfully kill more black bear than fixed by licence	section 6
5.	Fail to ensure compliance by helper trapper	subsection 10 (2)
6.	Unlawfully exceed head trapper's quota	subsection 10 (4)
7.	Fail to complete report	subsection 13 (1)
8.	Fail to provide information as required in report	subsection 13 (2)
9.	Fail to complete information in report at season end	subsection 13 (3)
10.	Fail to submit report on time	subsection 13 (4)
11.	Unlawfully hold trapping licence and farmer's licence	subsection 14 (1)
12.	Unlawfully hold fur dealer's licence and trapping licence	subsection 15 (1)
13.	Unlawfully hold fur dealer's licence and farmer's licence	subsection 15 (1)
14.	Unlawfully hold trapping licence and keep farmed animals	clause 15 (2) (a)

ITEM	COLUMN 1	COLUMN 2
15.	Unlawfully keep farmed animals and hold farmer's licence	clause 15 (2) (b)
16.	Unlawfully keep farmed animals and hold fur dealer's licence	clause 15 (2) (c)
17.	Use trap that can impale furbearing mammal	clause 17 (a)
18.	Unlawfully use a spring pole set	clause 17 (b)
19.	Use deadfall	clause 17 (c)
20.	Use a trap with teeth on jaws	clause 17 (d)
21.	Unlawfully use suspended snare	clause 17 (e)
22.	Unlawfully use Number 110 Conibear or similar trap	clause 17 (f)
23.	Unlawfully use trap with jaw spread greater than 21 centimeters	clause 17 (g)
24.	Unlawfully set a leg-hold trap for a furbearing mammal	subsection 19 (1)
25.	Trap black bear with unauthorized trap	section 20
26.	Fail to release black bear cub	section 21
27.	Fail to release female black bear	section 21
28.	Unlawfully trap black bear within 400 meters of dump site	section 22
29.	Unlawfully set leg-hold trap	section 23
30.	Use leg-hold trap with jaw spread greater than 17 cm. on land	clause 24 (1) (a)
31.	Use leg-hold trap with jaw spread greater than 21 cm. in water	clause 24 (1) (b)
32.	Use leg-hold trap with chain longer than 31 cm.	subsection 25 (1)
33.	Fail to inspect live holding trap once a day	subsection 25 (3)
34.	Unlawfully use snare in prohibited part of Ontario	subsection 26 (1)
35.	Unlawfully possess body-gripping trap	subsection 27 (1)

Schedule 17.10

Ontario Regulation 668/98 under the
Fish and Wildlife Conservation Act, 1997

ITEM	COLUMN 1	COLUMN 2
1.	Fail to apply for licence to own or operate zoo	subsection 2 (2)
2.	Fail to provide information in application for zoo licence	subsection 2 (3)
3.	Fail to keep log of required information	subsection 5 (1)
4.	Fail to keep log in required form	subsection 5 (2)
5.	Fail to keep log for required time	subsection 5 (3)
6.	Make false entry in log	subsection 5 (4)
7.	Fail to apply for licence to keep reptiles and amphibians in captivity	subsection 6 (2)
8.	Fail to provide information in application for amphibian and reptile licence	subsection 6 (3)
9.	Fail to keep log for amphibians and reptiles kept in captivity	subsection 8 (1)
10.	Fail to keep amphibian and reptile log for required time	subsection 8 (3)
11.	Make false entry in log	subsection 8 (4)
12.	Fail to provide proper sponsorship	subsection 15 (2)
13.	Fail to apply for falconry licence	subsection 16 (1)
14.	Falconry licence holder—fail to hold small game licence	section 18
15.	Fail to carry falconry licence when hunting	section 21
16.	Fail to carry authorization when hunting	section 21
17.	Unlawfully keep unmarked bird in captivity	subsection 22 (1)
18.	Fail to affix band in required manner	subsection 22 (2)
19.	Fail to mark bird in required time	subsection 22 (3)

ITEM	COLUMN 1	COLUMN 2
20.	Fail to record loss of band in log	subsection 22 (4)
21.	Fail to affix replacement band as required	subsection 22 (5)
22.	Fail to notify Minister of loss as required	subsection 22 (6)
23.	Non-resident—fail to apply to keep falconry bird in Ontario	subsection 23 (1)
24.	Non-resident—fail to provide required information in application	subsection 23 (2)
25.	Unlawfully bring bird into Ontario	subsection 23 (4)
26.	Unlawfully buy falconry bird under general falconry licence	clause 24 (2) (a)
27.	Unlawfully obtain falconry bird under general falconry licence	clause 24 (2) (a)
28.	Unlawfully sell falconry bird under general falconry licence	clause 24 (2) (b)
29.	Unlawfully buy falconry bird under apprentice licence	clause 24 (3) (a)
30.	Unlawfully obtain falconry bird under apprentice licence	clause 24 (3) (a)
31.	Unlawfully sell falconry bird under apprentice licence	clause 24 (3) (b)
32.	Buy specially protected raptor taken from the wild	section 25
33.	Sell specially protected raptor taken from the wild	section 25
34.	Fail to keep log of required information for birds kept	subsection 27 (1)
35.	Fail to submit annual return for specially protected raptors kept	subsection 27 (2)
36.	Fail to keep log for required time	subsection 27 (3)
37.	Fail to keep annual return for required time	subsection 27 (3)
38.	Make false entry in log	subsection 27 (4)
39.	Unlawfully sell wildlife	subsection 31 (2)
40.	Fail to apply for train and trial area licence	subsection 32 (1)
41.	Fail to provide required food and water	clause 35 (1) (a)
42.	Fail to provide required cover	clause 35 (1) (b)
43.	Fail to provide protection specified in licence	clause 35 (1) (c)
44.	Fail to fence as required	subsection 35 (2)
45.	Entice wildlife to enter area	subsection 35 (3)
46.	Assist wildlife to enter area	subsection 35 (3)
47.	Unlawfully alter tail	subsection 35 (4)
48.	Fail to treat injured wildlife as required	subsection 35 (5)
49.	Unlawfully keep wildlife in a separate enclosure	subsection 36 (1)
50.	Release dogs into separate enclosure	subsection 36 (3)
51.	Unlawfully buy wildlife	subsection 37 (1)
52.	Unlawfully obtain wildlife	subsection 37 (1)
53.	Buy wildlife that was transported into Ontario	subsection 37 (2)
54.	Obtain wildlife that was transported into Ontario	subsection 37 (2)
55.	Unlawfully carry firearm in a train and trial area	subsection 38 (1)
56.	Unlawfully use firearm in a train and trial area	subsection 38 (1)
57.	Unlawfully discharge firearm into a train and trial area	subsection 38 (3)
58.	Put prohibited breed of dog on trail	section 39
59.	Unlawfully train dog on coyotes	subsection 40 (1)
60.	Unlawfully permit training of dog on coyotes	subsection 40 (1)
61.	Unlawfully train dog on red fox	subsection 40 (2)
62.	Unlawfully permit training of dog on red fox	subsection 40 (2)
63.	Unlawfully train dog on varying hare	subsection 40 (3)

ITEM	COLUMN 1	COLUMN 2
64.	Unlawfully permit training of dog on varying hare	subsection 40 (3)
65.	Unlawfully train dog on cottontail	subsection 40 (3)
66.	Unlawfully permit training of dog on cottontail	subsection 40 (3)
67.	Unlawfully permit trial to be conducted on varying hare	subsection 41 (1)
68.	Unlawfully permit trial to be conducted on cottontail	subsection 41 (1)
69.	Unlawfully permit trial to be conducted on red fox	subsection 41 (2)
70.	Unlawfully permit trial to be conducted on red fox	subsection 41 (3)
71.	Unlawfully permit trial to be conducted on coyote	subsection 41 (3)
72.	Unlawfully permit too many dogs in the area at once	subsection 42 (1)
73.	Unlawfully permit too many dogs in the area at once	subsection 42 (2)
74.	Permit dog to be on the trail of wildlife too soon after release of new wildlife	subsection 42 (3)
75.	Permit dog to be on the trail of wildlife too often in a 7 day period	subsection 42 (4)
76.	Permit dog to be in an area too soon before a trial	subsection 42 (5)
77.	Permit dog to be in an area too soon after a trial	subsection 42 (5)
78.	Permit 3-day trials to be held less than 10 days apart	subsection 42 (6)
79.	Permit more than 8 3-day trials to be held in a year	subsection 42 (7)
80.	Fail to keep register of required information about area	subsection 43 (1)
81.	Fail to keep log in required form	subsection 43 (2)
82.	Make false entry in register	subsection 43 (3)
83.	Make false entry in log	subsection 43 (3)
84.	Fail to ensure registration prior to using area	subsection 43 (4)
85.	Fail to keep register for required time	subsection 43 (5)
86.	Fail to keep log for required time	subsection 43 (5)

2. Schedules 21, 21.1, 21.2, 21.3, 21.4, 22, 23, 23.1, 23.2, 23.3, 24, 24.1, 24.2, 25, 26, 27, 28, 29, 30, 30.1, 30.2, 30.3, 31, 32, 33, 33.1, 33.2, 33.3, 34, 35, 35.1, 35.2, 35.3, 36 and 36.1 to the Regulation are revoked.

2. Les annexes 21, 21.1, 21.2, 21.3, 21.4, 22, 23, 23.1, 23.2, 23.3, 24, 24.1, 24.2, 25, 26, 27, 28, 29, 30, 30.1, 30.2, 30.3, 31, 32, 33, 33.1, 33.2, 33.3, 34, 35, 35.1, 35.2, 35.3, 36 et 36.1 du Règlement sont abrogées.

13/99

ONTARIO REGULATION 94/99
made under the
FISH AND WILDLIFE CONSERVATION ACT, 1997

Made: March 10, 1999
Filed: March 11, 1999

Amending O. Reg. 665/98
(Hunting)

Note: Ontario Regulation 665/98 has not previously been amended.

1. Section 33 of Ontario Regulation 665/98 is amended by adding the following subsections:

(4.1) A person shall not kill more than one wild turkey in a day.

(6) A person shall not hunt wild turkey using,

(a) a live decoy;

(b) an electronic call; or

(c) corn, wheat, oats or other grain, pulse or any other feed, or an imitation of any of these that may attract wild turkey.

13/99

ONTARIO REGULATION 95/99
made under the
FISH AND WILDLIFE CONSERVATION ACT, 1997

Made: March 10, 1999
Filed: March 11, 1999

Amending O. Reg. 665/98
(Hunting)

Note: Ontario Regulation 665/98 has previously been amended by Ontario Regulation 94/99.

1. Subsections 53 (4), (5), (6), (7), (8) and (9) of Ontario Regulation 665/98 are revoked and the following substituted:

(4) A non-resident licence to hunt moose is not valid under clause (3) (c) in wildlife management units 7B, 9B, 11A, 11B, 12B, 13 or 14.

(5) A non-resident who proposes to hunt moose as a registered guest in accordance with clause 3 (b) shall not be issued a licence unless he or she holds a moose validation tag.

(6) A non-resident who proposes to hunt moose and who is not a registered guest shall not be issued a moose validation tag unless he or she holds a licence to hunt moose.

(7) A tourist outfitter may apply for a moose validation tag on behalf of a registered guest.

(8) A resident who has obtained a moose validation tag from a tourist outfitter shall be a registered guest of that outfitter during the hunt.

(9) A tourist outfitter shall not issue a moose validation tag to a person who is not a registered guest.

(10) No person, except a tourist outfitter on behalf of his or her registered guests,

(a) shall apply for more than one moose validation tag; or

(b) shall possess more than one moose validation tag during the hunt.

13/99

ONTARIO REGULATION 96/99
made under the
FISH AND WILDLIFE CONSERVATION ACT, 1997

Made: February 22, 1999

Filed: March 11, 1999

Amending O. Reg. 670/98
(Open Seasons—Wildlife)

Note: Ontario Regulation 670/98 has previously been amended by
Ontario Regulation 88/99.

**1. (1) Item 1.2 of the Table to Ontario Regulation 670/98 is
revoked and the following substituted:**

ITEM	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
	Species	Area (Nos. refer to WMUs unless otherwise stated)	Open Season—Residents	Open Season—Non-Residents
1.2	Moose	2, 3, 4, 5, 6, 7B, 8, 9A, 9B, 11A, 11B, 12A, 12B, 13, 14, 15A, 15B, 18A, 19, 21A, 21B	From the Saturday closest to October 8 to December 15, in any year.	From the Monday next following the Saturday closest to October 8 to November 15, in any year.

(2) Item 1.5 of the Table to the Regulation is revoked.

(3) Item 6.32 of the Table to the Regulation is revoked and the following substituted:

ITEM	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6
	Species	Area (Nos. refer to WMUs unless otherwise stated)	Open Season—Residents and Non-Residents	Time Limits	Daily Bag Limits	Possession Limits
6.32	Wild Turkey	67, 68, 69B, 70, 71, 72, 73, 74, 75, 76, 77, 78, 80, 81, 82A, 85, 87B, 87C, 87D, 88, 89, 90, 91B, 92A, 92B, 92C, 92D, 93A	From April 25, or if April 25 falls on a Saturday or Sunday, the Monday immediately following April 25, and ending on May 31.	½ hour before sunrise to 12 o'clock noon	As provided in Part VI of Ontario Regulation 665/98 (Hunting)	

JOHN SNOBELEN
Minister of Natural Resources

Dated on February 22, 1999.

13/99

ONTARIO REGULATION 97/99
made under the
ELECTRICITY ACT, 1998

Made: March 10, 1999
Filed: March 11, 1999

TRANSFER ORDERS AND TRANSFER BY-LAWS

1. The following Acts and provisions of Acts are prescribed for the purpose of sections 135 and 159 of the Act:

1. The *Assignments and Preferences Act*.
2. The *Environmental Assessment Act*.
3. The *Expropriations Act*.
4. The *Fraudulent Conveyances Act*.
5. Section 193 of the *Municipal Act*.
6. Subsection 86 (1) of the *Ontario Energy Board Act, 1998*.
7. Section 50 of the *Planning Act*.

2. (1) Despite Rule 11 of the Rules of Civil Procedure, no order of the court is required to continue an action or other proceeding that is continued under section 127 or 154 of the Act.

(2) If a proceeding is continued under section 127 or 154 of the Act, the title of the proceeding shall be amended accordingly in all documents issued, served or filed in the proceeding after the effective date of the transfer.

3. This Regulation comes into force on the day subsection 54 (1) of the *Electricity Act, 1998* comes into force.

13/99

ONTARIO REGULATION 98/99
made under the
ELECTRICITY ACT, 1998

Made: March 10, 1999
Filed: March 11, 1999

Amending O. Reg. 610/98
(The IMO)

Note: Ontario Regulation 610/98 has previously been amended by Ontario Regulation 9/99.

1. (1) Subsection 1 (1) of Ontario Regulation 610/98 is amended by striking out "Fourteen directors" in the first line and substituting "Fifteen directors".

(2) Subsection 1 (2) of the Regulation is amended by striking out "14 directors" in the first line and substituting "15 directors".

(3) Clause 1 (2) (h) of the Regulation is amended by striking out "five" in the first line and substituting "six".

13/99

ONTARIO REGULATION 99/99
made under the
ONTARIO ENERGY BOARD ACT, 1998

Made: March 10, 1999
Filed: March 11, 1999

Amending Reg. 869 of R.R.O. 1990
(General)

Note: Since the end of 1997, Regulation 869 has been amended by Ontario Regulations 360/98 and 369/98. Previous amendments are listed in the Table of Regulations in the Statutes of Ontario, 1997.

1. Sections 1 to 10, 12, 14, 15, 15.1 and 17 of Regulation 869 of the Revised Regulations of Ontario, 1990 are revoked.

2. This Regulation comes into force on the day subsection 54 (1) of the *Electricity Act, 1998* comes into force.

13/99

ONTARIO REGULATION 100/99
made under the
ONTARIO ENERGY BOARD ACT, 1998

Made: March 10, 1999
Filed: March 11, 1999

**GAS WITHOUT CHARGE OR
AT A REDUCED RATE**

1. (1) No person shall use or consume any gas that was supplied without charge or at a reduced rate under an agreement entered into with a gas distributor for which the supplying of gas without charge or at a reduced rate is a consideration.

(2) Subsection (1) does not apply to an agreement or renewal of an agreement made before January 1, 1955.

2. This Regulation comes into force on the day subsection 54 (1) of the *Electricity Act, 1998* comes into force.

13/99

ONTARIO REGULATION 101/99
made under the
ONTARIO ENERGY BOARD ACT, 1998

Made: March 10, 1999
Filed: March 11, 1999

Revoking O. Reg. 188/93
(Exemption)

1. Ontario Regulation 188/93 is revoked.

13/99

ONTARIO REGULATION 102/99
made under the
ONTARIO ENERGY BOARD ACT, 1998

Made: March 10, 1999

Filed: March 11, 1999

Revoking O. Reg. 521/97
(Exemptions—Ontario Hydro)

1. Ontario Regulations 521/97 and 359/98 are revoked.

2. This Regulation comes into force on the day subsection 54 (1) of the *Electricity Act*, 1998 comes into force.

13/99

ONTARIO REGULATION 103/99
made under the
ONTARIO ENERGY BOARD ACT, 1998

Made: March 10, 1999

Filed: March 11, 1999

Revoking O. Reg. 504/97
(Uniform System Accounts)

1. Ontario Regulation 504/97 is revoked.

13/99

ONTARIO REGULATION 104/99
made under the
**FREEDOM OF INFORMATION AND
PROTECTION OF PRIVACY ACT**

Made: March 10, 1999

Filed: March 11, 1999

Amending Reg. 460 of R.R.O. 1990
(General)

Note: Regulation 460 has previously been amended. Those amendments are listed in the Table of Regulations in the Statutes of Ontario, 1997.

1. Items 30, 31, 61.2, 67.1, 78, 102, 106, 121.0.01, 141.1, 160, 165, 176, 177, 185, 197, 199.1 and 235 of the Schedule to Regulation 460 of the Revised Regulations of Ontario, 1990 are revoked.

2. Items 62, 64, 65, 74, 114, 141, 198, 229, 238 and 239 of the Schedule to the Regulation are revoked and the following substituted:

62.	Environmental Appeal Board	Minister of the Environment
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64.	Environmental Assessment Board	Minister of the Environment
65.	Environmental Compensation Corporation	Minister of the Environment

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74.	Fire Safety Commission	Solicitor General and Minister of Correctional Services
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114.	Niagara Escarpment Commission	Minister of Natural Resources
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RÈGLEMENT DE L'ONTARIO 104/99
pris en application de la
**LOI SUR L'ACCÈS À L'INFORMATION ET LA
PROTECTION DE LA VIE PRIVÉE**

pris le 10 mars 1999
déposé le 11 mars 1999

modifiant le Règl. 460 des R.R.O. de 1990
(Dispositions générales)

Remarque : Le Règlement 460 a été modifié antérieurement. Ces modifications sont indiquées dans la Table des règlements figurant dans les Lois de l'Ontario de 1997.

1. Les numéros 30, 31, 61.2, 67.1, 78, 102, 106, 121.0.01, 141.1, 160, 165, 176, 177, 185, 197, 199.1 et 235 de l'annexe du Règlement 460 des Règlements refondus de l'Ontario de 1990 sont abrogés.

2. Les numéros 62, 64, 65, 74, 114, 141, 198, 229, 238 et 239 de l'annexe du Règlement sont abrogés et remplacés par ce qui suit :

62.	Commission d'appel de l'environnement	Ministre de l'Environnement
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64.	Commission des évaluations environnementales	Ministre de l'Environnement
65.	Société d'indemnisation environnementale	Ministre de l'Environnement

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74.	Commission de la sécurité-incendie	Solliciteur général et ministre des Services correctionnels
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114.	Commission de l'escarpement du Niagara	Ministre des Richesses naturelles
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141.	Ontario Energy Board	Minister of Energy, Science and Technology
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198.	Pesticides Advisory Committee	Minister of the Environment
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229.	Social Benefits Tribunal	Minister of Community and Social Services
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238.	Workplace Safety and Insurance Appeals Tribunal	Minister of Labour
239.	Workplace Safety and Insurance Board	Chair of the Board

3. The Schedule to the Regulation is amended by adding the following items:

21.1	Alcohol and Gaming Commission of Ontario	Minister of Consumer and Commercial Relations
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28.1	Board of Negotiation	Minister of Agriculture, Food and Rural Affairs
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57.	Disability Adjudication Unit	Minister of Community and Social Services
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73.1	Financial Services Commission of Ontario	Minister of Finance
73.2	Financial Services Tribunal	Minister of Finance

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98.1	Legal Aid Ontario	President of Legal Aid Ontario
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141.	Commission de l'énergie de l'Ontario	Ministre de l'Énergie, des Sciences et de la Technologie
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198.	Comité consultatif sur les pesticides	Ministre de l'Environnement
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229.	Tribunal de l'aide sociale	Ministre des Services sociaux et communautaires
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238.	Tribunal d'appel de la sécurité professionnelle et de l'assurance contre les accidents du travail	Ministre du Travail
239.	Commission de la sécurité professionnelle et de l'assurance contre les accidents du travail	Président de la Commission

3. L'annexe du Règlement est modifiée par adjonction des numéros suivants :

21.1	Commission des alcools et des jeux de l'Ontario	Ministre de la Consomma- tion et du Commerce
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28.1	Commission de négociation	Ministre de l'Agriculture, de l'Alimentation et des Affaires rurales
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57.	Unité des décisions sur l'admissibilité des personnes handicapées	Ministre des Services sociaux et communautaires
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73.1	Commission des services financiers de l'Ontario	Ministre des Finances
73.2	Tribunal des services financiers	Ministre des Finances

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98.1	Aide juridique Ontario	Président d'Aide juridique Ontario
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105.1	Market Design Committee	Minister of Energy, Science and Technology
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105.1	Comité d'établissement des règles du marché	Ministre de l'Énergie, des Sciences et de la Technologie
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115.1	Normal Farm Practices Protection Board	Minister of Agriculture, Food and Rural Affairs
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115.1	Commission de protection des pratiques agricoles normales	Ministre de l'Agriculture, de l'Alimentation et des Affaires rurales
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166.1	Ontario Moose-Bear Alloca- tion Advisory Committee	Minister of Natural Resources
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166.1	Comité consultatif ontarien d'attribution en matière de chasse à l'original et à l'ours	Ministre des Richesses naturelles
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171.2	Ontario Parks Board of Directors	Minister of Natural Resources
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171.2	Conseil d'administration de Parcs Ontario	Ministre des Richesses naturelles
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180.1	Ontario Rental Housing Tribunal	Chair of the Tribunal
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180.1	Tribunal du logement de l'Ontario	Président du Tribunal
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13/99

ONTARIO REGULATION 105/99
made under the
**MUNICIPAL FREEDOM OF INFORMATION AND
PROTECTION OF PRIVACY ACT**

Made: March 10, 1999
Filed: March 11, 1999

Amending O. Reg. 372/91
(Institutions)

Note: Ontario Regulation 372/91 has previously been amended.
Those amendments are listed in the Table of Regulations in the
Statutes of Ontario, 1997.

**1. (1) Paragraphs 4, 4.1 and 9 of section 1 of Ontario Regulation
372/91 are revoked and the following substituted:**

4. Greater Toronto Services Board.

4.1 Greater Toronto Transit Authority.

9. The Board of Management of the Hummingbird Centre.

(2) Paragraph 13 of section 1 of the Regulation is revoked.

ONTARIO REGULATION 106/99
made under the
LEGAL AID SERVICES ACT, 1998

Made: March 2, 1999
Approved: March 10, 1999
Filed: March 11, 1999

**ADMINISTRATION OF SYSTEM FOR
PROVIDING LEGAL AID SERVICES**

CONTENTS

	SECTIONS
Interpretation	1-5
Applications	6, 7
Certificates	8-16
Appeals Under Subsections 30 (1) and (2) of Act	17, 18
Recovery of Costs of Legal Aid Services	19-23
Functions of Duty Counsel	24, 25
Student Legal Aid Services Societies	26
Panels	27-37
Accounts	38-47
Appeals of Accounts	48
Service and Delivery of Documents	49
Transition, Revocation and Commencement	50-52

INTERPRETATION

1. (1) In this Regulation,

"board" means the Corporation's board of directors;

13/99

"legal accounts officer" means the Corporation employee with that title;

"president" means the president of the Corporation;

"regulations" means this regulation and Ontario Regulation 107/99.

(2) In this Regulation, a reference to a panel includes a subpanel established in accordance with subsection 23 (2) of the Act.

2. This Regulation, except sections 6, 7, 24 and 25, does not apply in respect of legal aid services provided by clinics or by clinic law duty counsel.

3. A power or duty that this Regulation confers on an area director may also be exercised or performed by a member of the area director's staff.

4. A power or duty that this Regulation confers on the legal accounts officer may also be exercised or performed by a member of the legal accounts officer's staff.

5. A power or duty that this Regulation confers on the president may also be exercised or performed by an employee of the Corporation whom the president designates for the purpose. New.

APPLICATIONS

6. (1) An application for a certificate shall be made in accordance with section 24 of the Act and dealt with in accordance with,

- (a) sections 25 to 29 of the Act; and
- (b) the policies and priorities established by the Corporation under section 12 of the Act.

(2) The following procedures are prescribed for applications for certificates by individuals who are not ordinarily resident in Ontario:

1. The area director who receives an application under subsection 24 (2) of the Act shall make appropriate inquiries, prepare a report on the inquiries and forward the application and report to the president.
2. The president shall consider the application and report, in accordance with the policies and priorities established by the Corporation under section 12 of the Act, and may, in his or her discretion, direct the area director to issue a certificate.
3. The president may attach such terms and conditions as he or she considers appropriate upon the issuance of a certificate.
4. The president may at any time amend or cancel a certificate issued under this subsection.
5. If the president decides not to direct the area director to issue a certificate, the president shall send the applicant a notice of the decision.
6. A decision made by the president under this subsection is final.

(3) An application for legal aid services to be provided by duty counsel shall be made to the duty counsel, or to another person designated by the board, and assessed in accordance with,

- (a) the financial eligibility requirements prescribed by Ontario Regulation 107/99; and

(b) the policies and priorities established by the Corporation under section 12 of the Act.

(4) An application for legal aid services to be provided by a clinic shall be made to the clinic, or to a person designated by the board, and assessed in accordance with,

- a) the financial eligibility requirements prescribed by Ontario Regulation 107/99;
- (b) the policies and priorities established by the Corporation under section 12 of the Act;
- (c) any terms and conditions imposed on the clinic's funding under subsection 34 (5) of the Act; and
- (d) the clinic's case selection criteria.

7. (1) An application for legal aid services for a minor may be made,

- (a) by the minor; or
- (b) by a parent or guardian on the minor's behalf.

(2) An application for legal aid services for a mentally incapable person may be made on his or her behalf,

- (a) by the person's guardian of property or guardian of the person;
- (b) if there is no guardian, by the person's attorney under a continuing power of attorney or a power of attorney for personal care;
- (c) if there is no attorney, by a friend or relative; or
- (d) if there is no friend or relative, by the Public Guardian and Trustee.

(3) Despite subsection (2), an application for legal aid services to be provided in connection with an application under the *Substitute Decisions Act, 1992*, the *Mental Health Act* or the *Health Care Consent Act, 1996* may be made,

- (a) by the person; or
- (b) by a friend or relative on the person's behalf.

(4) An application for legal aid services for a person who is unable by reason of physical disability to make the application in person may be made by a friend or relative on his or her behalf.

CERTIFICATES

8. A certificate shall,

- (a) specify the date of its issue and its effective date;
- (b) set out the nature and extent of the services to be provided to the applicant, including the type of panel to which the certificate applies;
- (c) state whether the applicant or the person responsible for the applicant is required to contribute under Part IV of the Act; and
- (d) set out any terms and conditions imposed by the area director under subsection 29 (1) of the Act.

9. (1) The area director shall send the certificate to the applicant or to a member of the appropriate panel.

- (2) A lawyer who receives a certificate shall,

- (a) if able and willing to act, promptly complete and sign the acceptance and undertaking on the certificate and return a copy to the area director; or
- (b) if unable or unwilling to act for any reason, promptly return the certificate to the applicant or to the area director, as the circumstances require.

10. (1) If a certificate is issued but no lawyer complies with clause 9 (2) (a) within the 90-day period following its date of issue,

- (a) the certificate is deemed to expire at the end of that period; and
- (b) the Corporation shall promptly send to the applicant, at the last address shown in the area director's records, a notice that the certificate has expired.

(2) On the application of a lawyer who has received a certificate within the 90-day period following its date of issue but failed to comply with clause 9 (2) (a) within that period, the area director may reactivate the expired certificate retroactive to a date that is not earlier than its original effective date.

11. If no certificate is issued, the area director shall promptly send the applicant a notice of the refusal,

- (a) with the area committee's reasons for refusal, if section 28 of the Act applies;
- (b) with the area director's reasons, in any other case.

12. An area director may issue a certificate with retroactive effect to a person to whom a lawyer has already provided legal or other services, if the area director is satisfied that,

- (a) the services were provided in an emergency situation, and notice that they were provided is given to the area director within a reasonable time;
- (b) the applicant would have qualified for legal aid services at the time the services were provided;
- (c) no previous application for the same services has been refused; and
- (d) the lawyer has not accepted a private retainer for the services.

13. (1) The services authorized by a certificate are deemed to be complete when the earliest of the following events takes place:

1. The area director cancels the certificate.
2. The claim, proceeding or charge is fully disposed of by judgment or settlement.
3. The lawyer is unable to obtain the applicant's instructions to proceed.
4. Three years, or the longer period the area director specifies under subsection (2), have passed since the certificate was issued.
5. The lawyer is removed from the record.

(2) On the application of the lawyer, the area director may specify a longer period than three years for the purpose of paragraph 4 of subsection (1).

(3) When a lawyer ceases to act for an applicant or the services authorized by the certificate are deemed to be complete as provided in subsection (1), the lawyer shall promptly,

- (a) report the fact to the area director, and provide any related information that the area director requires;
- (b) submit a final account in accordance with section 40; and
- (c) subject to subsection (4), send to the applicant, or to another person as the applicant directs,
 - (i) a copy of the report required by clause (a), and
 - (ii) in return for a receipt, all documents and other property of the applicant that are in the lawyer's possession.

(4) The area director may direct the lawyer not to provide the materials if, in the area director's opinion, doing so could cause the applicant prejudice or embarrassment.

14. (1) An area director who proposes to cancel a certificate under subsection 29 (2) of the Act shall send the applicant and the applicant's lawyer a notice of intention to cancel.

(2) The notice shall,

- (a) state the reasons for the proposed cancellation; and
- (b) specify a date, not less than 7 days after the notice is delivered, by which the applicant or lawyer may show cause why the certificate should not be cancelled.

(3) If the applicant or lawyer shows cause why the certificate should not be cancelled, the area director shall promptly reconsider the matter and make a decision.

(4) If the applicant or lawyer does not show cause, or if the area director reconsiders the matter under subsection (3) and decides to proceed with the cancellation, the area director shall send the applicant and the applicant's lawyer a notice of cancellation.

(5) The notice of cancellation shall,

- (a) state the reasons for the cancellation;
- (b) specify a date, not less than 7 days after the notice is delivered, on which the cancellation becomes effective; and
- (c) contain a statement of the right to appeal under subsection (7).

(6) After the notice has been delivered to the lawyer, no further services shall be provided under the certificate, except as the area director specifically authorizes in writing.

(7) The applicant may appeal the cancellation to the area committee by serving a notice of appeal on the area director within 7 days after the notice of cancellation is delivered.

(8) When a notice of appeal is served, the area committee shall hear the matter and may,

- (a) direct that the matter be adjourned pending the submission of any further material it considers relevant to the decision;
- (b) direct that the matter be referred to the area director to be reconsidered and decided in light of new or further evidence,
 - (i) that has been submitted to the area committee, or
 - (ii) that the area committee directs the area director to ascertain;

- (c) confirm the area director's cancellation of the certificate; or
- (d) reverse the area director's decision and direct that the certificate be reinstated, subject to any terms and conditions that the area committee considers appropriate and that the area director could have imposed.
- (9) Subsection (6) ceases to apply if the certificate is reinstated.

15. If the applicant requests that the certificate be cancelled,

- (a) section 14 does not apply, but the area director shall send the applicant and the applicant's lawyer a notice of the cancellation; and
- (b) the area director may make the cancellation retroactive to a date no earlier than the date the certificate was issued.

16. The area director may reinstate a certificate within 90 days after cancellation if,

- (a) he or she is satisfied that the reasons for the cancellation are no longer applicable; or
- (b) the applicant or the lawyer has satisfied any requirements for a certificate that were previously unsatisfied.

APPEALS UNDER SUBSECTIONS 30 (1) AND (2) OF ACT

17. (1) An appeal to the area committee under subsection 30 (1) of the Act shall be commenced by serving on the area director, within seven days after the decision appealed from is delivered, a notice of appeal identifying that decision and stating the grounds of appeal.

(2) The area committee may,

- (a) direct that the appeal be adjourned pending the submission of any further material it considers relevant to the decision;
- (b) direct that the matter be referred to the area director to be reconsidered and decided in light of new or further evidence,
 - (i) that has been submitted to the area committee, or
 - (ii) that the area committee directs the area director to ascertain;
- (c) allow the appeal in whole or in part and direct the issue or continuation of a certificate for the purpose applied for, or for another purpose that the area committee considers appropriate, subject to any terms and conditions that it considers appropriate and that the area director could have imposed; or
- (d) dismiss the appeal.

(3) The applicant has the same right of appeal from a decision of the area director made under a direction mentioned in clause (2) (b) as from the area director's original decision.

18. (1) An appeal under subsection 30 (2) of the Act shall be commenced by serving on the person designated under that subsection, within seven days after the notice of the decision appealed from is delivered, a notice of appeal identifying that decision and stating the grounds of appeal.

(2) The designated person may,

- (a) direct that the appeal be adjourned pending the submission of any further material he or she considers relevant to the decision;

- (b) direct that the matter be referred to the area director or to the area committee to be reconsidered and decided in light of new or further evidence,
 - (i) that has been submitted to the designated person, or
 - (ii) that he or she directs the area director to ascertain;
- (c) allow the appeal in whole or in part and direct the issue or continuation of a certificate for the purpose applied for, or for another purpose that the designated person considers appropriate, subject to any terms and conditions that he or she considers appropriate and that the area director could have imposed; or
- (d) dismiss the appeal.

RECOVERY OF COSTS FOR LEGAL AID SERVICES

19. For the purposes of clause 97 (1) (n) of the Act, the prescribed interest rate is, for each fiscal year, the postjudgment interest rate for the last quarter of the previous fiscal year, as published under clause 127 (2) (b) of the *Courts of Justice Act*.

20. (1) The Corporation may exercise its discretion under section 49 of the Act if the president, the legal accounts officer or the Corporation's collections manager is of the opinion that,

- (a) failure to exercise the discretion would cause the applicant or the person responsible hardship;
- (b) all or part of the amount due to the Corporation is uncollectible;
- (c) the exercise of the discretion would reduce the overall amount ultimately payable by the Corporation; or
- (d) the exercise of the discretion would promote the timely settlement of the proceeding.

(2) The Corporation's discretion under section 49 of the Act may be exercised by the president, the legal accounts officer or the collections manager.

21. A lawyer who effects a settlement entitling the applicant to recover money or other property shall promptly inform the Corporation of the terms of the settlement, and shall provide a copy of the settlement documents at its request.

22. (1) The following rules apply if an applicant becomes entitled to money or other property under a judgment, order or settlement:

1. The party and party costs in favour of the applicant, if not determined on an assessment under a judgment or order, may be agreed on by the parties with the legal accounts officer's approval, obtained in advance. If there is no agreement or no approval, the legal accounts officer shall determine the costs for the purpose of ascertaining the amount for costs to be paid to the Corporation. The applicant's lawyer shall pay all the costs recovered to the Corporation.
2. The amount of fees and disbursements for the services provided by the lawyer shall then, by agreement of the applicant and the lawyer with the legal accounts officer's approval, obtained in advance, be determined as between a client and his or her lawyer. If there is no agreement or no approval, the legal accounts officer may determine the amount of fees and disbursements. The amount by which the fees and disbursements exceed the party and party costs shall also be paid to the Corporation, unless the legal accounts officer decides that under the circumstances no such payment need be made.

3. If legal services were provided to the applicant in connection with the same matter but not under the certificate, the legal accounts officer may determine the amount of the costs referable to those services and the amount payable out of those costs to the applicant and to the Corporation.

4. The applicant shall pay the amount of the lawyer's account, as settled under this Regulation, and a proportionate share of the Corporation's overhead as determined by the president.

(2) If the applicant or a person responsible for the applicant agreed to contribute under Part IV of the Act, the applicant or person responsible shall pay the lesser of,

(a) the amount fixed in the contribution agreement; or

(b) the total of,

(i) the amount of the lawyer's account, as settled under this Regulation,

(ii) a proportionate share of the Corporation's overhead as determined by the president, and

(iii) interest on any overdue contributions.

(3) Subsection (2) applies whether money or other property is recovered or not.

23. When an applicant becomes entitled to the payment of costs or to recover money or other property under a judgment, award or settlement, the following rules apply to the lawyer who acts under the certificate in the matter:

1. If the matter is a claim before an administrative board, tribunal or expropriating authority, the lawyer shall, unless the Corporation directs otherwise, deposit a notice with the body after it has made its decision. The notice shall state that,

i. the applicant is the recipient of legal aid services,

ii. the Corporation has a statutory claim for the costs payable under the Act, and

iii. any costs awarded to the applicant are the Corporation's property.

2. In any matter in which costs are awarded to the applicant, the lawyer shall,

i. except to the extent that the Corporation directs otherwise, assess the costs, obtain the applicant's assignment of the costs to the Corporation, and file a writ of seizure and sale and the assignment with the appropriate officials, and

ii. take any further steps to collect the costs that the Corporation authorizes.

3. If the applicant is entitled to recover money or other property, the lawyer shall send the person from whom the money or property is recoverable, that person's lawyer, if any, and any official with whom the writ of seizure and sale or order for payment has been filed, a notice stating that,

i. any costs payable to the applicant are the Corporation's property under the Act,

ii. the Corporation has a charge against the money or other property under section 47 of the Act, and

iii. until the charge has been released, no money shall be paid or property released or transferred to the applicant.

4. On receiving any costs payable to the applicant, the lawyer shall pay them to the Corporation.

5. On receiving any sum in payment of the judgment, award or settlement, other than for costs, the lawyer shall pay to the Corporation any outstanding amount payable to it under the Act.

6. Before delivering to the applicant any recovered property or title papers relating to the property, the lawyer shall,

i. have the applicant sign an appropriate document to secure the Corporation's charge,

ii. have the document registered under the *Land Titles Act*, the *Registry Act* or the *Personal Property Security Act*, as the case may be, and

iii. send the president a certified copy of the registered document.

FUNCTIONS OF DUTY COUNSEL

24. (1) The classes of duty counsel are:

1. Family and civil law duty counsel.

2. Criminal law duty counsel.

3. Mental health law duty counsel.

4. Clinic law duty counsel.

5. Special duty counsel.

6. Advice lawyers.

(2) Family and civil law duty counsel shall:

1. Attend the Family Court of the Ontario Superior Court of Justice and the Ontario Court of Justice as scheduled.

2. In Family Court and the Ontario Court of Justice,

ii. advise persons about court procedures,

iii. prepare or review documents to be filed with the court,

iv. obtain adjournments,

v. represent otherwise unrepresented persons at motions, in interim hearings concerning custody, access, child protection or support and in pre-trial hearings and show cause hearings, and

vi. assist persons in the negotiation of settlements and consent orders and in mediation.

(3) Criminal law duty counsel shall:

1. Perform duties in connection with criminal appeals as may be appropriate, including,

i. helping an appellant to complete a notice to the court that an application has been made for legal aid services in relation to the appeal,

- ii. helping an appellant who is represented by a lawyer to complete a notice of withdrawal of a prisoner appeal,
 - iii. representing an appellant on an application for judicial interim release.
2. Attend the Ontario Court of Justice as scheduled.
3. In the Ontario Court of Justice, assist persons who have been taken into custody or summoned and charged with offences, by advising them of their rights and by taking any steps that may be appropriate to protect those rights, including,
- i. representing a person on an application for remand, adjournment or judicial interim release, on a pre-trial that relates to disposition, or on entering a guilty plea,
 - ii. applying for diversion,
 - iii. making representations with respect to sentence if a guilty plea is entered.
- (4) Mental health law duty counsel shall, as may be appropriate:
- 1. Attend at psychiatric facilities designated under the *Mental Health Act*.
 - 2. At those facilities,
 - i. advise persons about their rights and take any steps that may be appropriate to protect those rights, and
 - ii. take applications for certificates.
- (5) Clinic law duty counsel shall, as scheduled:
- 1. Attend at administrative tribunals.
 - 2. At those tribunals,
 - i. advise persons about their rights and take any steps that may be appropriate to protect those rights,
 - ii. advise persons about tribunal procedures and assist them with those procedures,
 - iii. prepare, review or assist persons to prepare documents,
 - iv. obtain documents for persons or assist them in doing so,
 - v. obtain adjournments,
 - vi. represent persons in any proceeding, and
 - vii. assist persons in the negotiation of settlements and consent orders and in mediation.
- (6) Special duty counsel shall:
- 1. Advise and assist persons as the circumstances require.
 - 2. Take applications for certificates at the area director's office or elsewhere in the area, as scheduled.
- (7) Advice lawyers shall:
- 1. Attend where and as scheduled.

2. Advise persons about their rights.

3. Prepare or review documents.

(8) All classes of duty counsel shall:

1. Make reports to the Corporation as and when it requests.

2. Provide public legal education information.

3. Make appropriate referrals to other sources of information, advice, assistance and representation.

25. (1) When a lawyer has represented or advised an applicant as duty counsel, neither the lawyer nor any of his or her associates in the practice of law shall knowingly act for the applicant in the same matter, otherwise than as duty counsel.

(2) Subsection (1) does not apply if,

(a) the lawyer or associate acts for the applicant in the same matter with the area director's approval, obtained in advance;

(b) the lawyer certifies in writing to the area director that an earlier lawyer-client relationship existed between the applicant and the lawyer or associate; or

(c) the lawyer or associate is employed by the Corporation or by a clinic.

STUDENT LEGAL AID SERVICES SOCIETIES

26. (1) The dean of the law school that operates a student legal aid services society has control and supervision of the society and of its members.

(2) Without limiting the generality of subsection (1), the dean has discretion to,

(a) restrict the functions of the society and its members;

(b) terminate the society's operations, either temporarily or permanently;

(c) specify the minimum qualifications of a student for membership in the society; and

(d) remove a student from membership in the society, either temporarily or permanently, and reinstate him or her.

PANELS

27. (1) The area director shall maintain a complete record of the names on each panel for the area.

(2) At any person's request, the area director shall furnish the names and addresses of the lawyers who are on a panel for the area.

28. (1) A lawyer may apply to the area director to have his or her name entered on a panel.

(2) In the application, the lawyer shall provide the information concerning his or her practice, qualifications and experience and the status of his or her Law Society membership that the area director requires.

(3) The area director shall enter the name on the appropriate panel unless,

(a) the lawyer fails, in the area director's opinion, to meet applicable standards, including standards under the Corporation's quality assurance program; or

(b) the president has prohibited entry of the name under section 29.

(4) If clause (3) (a) or (b) applies, the area director shall send the lawyer a notice that includes,

(a) the reasons for the refusal to enter the name; and

(b) a statement of the right of review under subsection (5).

(5) The lawyer is entitled to a review by the president or another person designated by the board if, within seven days after the notice under subsection (4) is delivered, he or she serves on the president and the area director a notice requesting a review.

29. (1) If the president has reasonable cause to prohibit the entry of a lawyer's name on a panel, he or she may take the steps set out in this section.

(2) The president shall send the lawyer notice of the proposal and afford him or her an opportunity for a hearing.

(3) A request for a hearing shall be served on the Corporation and the area director within seven days after the notice under subsection (2) is delivered.

(4) The president shall notify the area director and the lawyer of the decision in the matter,

(a) if a hearing is requested, after it has been held;

(b) if no hearing is requested, after the seven-day period has passed.

30. (1) The area director shall remove a lawyer's name from a panel if the lawyer requests the removal and the president consents.

(2) The area director may require a lawyer to whom subsection (1) applies to complete work under specified certificates that the lawyer has already accepted.

31. (1) If a lawyer fails, in the area director's opinion, to meet or to continue to meet applicable standards, including standards under the Corporation's quality assurance program, the area director may take the steps set out in this section.

(2) The area director shall send the lawyer notice of a proposal to remove his or her name from a panel and afford him or her an opportunity for a hearing.

(3) A request for a hearing shall be served on the area director within seven days after the notice under subsection (2) is delivered.

(4) The president shall conduct the hearing.

(5) The area director may remove the name from the panel,

(a) if the proposal is confirmed after a hearing, as soon as he or she is advised of the decision;

(b) if no hearing is requested, after the seven-day period has passed.

(6) If a hearing is held, the area director shall send the lawyer notice of the decision, whether the proposal is confirmed or not.

32. (1) Subject to subsection (3), the president may remove a lawyer's name from a panel in any of the following circumstances:

1. The president has reasonable cause for doing so.

2. The lawyer is found guilty of professional misconduct, for conduct that is related to the operation of the Corporation.

3. The lawyer is found guilty of a criminal offence that is related to the operation of the Corporation.

(2) Subject to subsection (3), the president may temporarily remove the name of a lawyer from all panels in either of the following circumstances:

1. The Law Society serves on the lawyer a conduct application alleging an offence that is related to the operation of the Corporation.

2. A criminal charge is laid against the lawyer for an offence that is related to the operation of the Corporation.

(3) Before removing the name of a lawyer from a panel under subsection (1) or (2), the president shall,

(a) send the lawyer notice of the proposal to remove his or her name; and

(b) afford the lawyer an opportunity for a hearing.

(4) The president may restore a name that was temporarily removed under subsection (2) if the complaint or charge is disposed of by a finding of not guilty.

33. (1) A lawyer whose name has been removed from a panel under section 31 or 32 shall, in relation to that panel,

(a) report to the area director on the state of all uncompleted work;

(b) render his or her accounts for fees and disbursements in accordance with the regulations; and

(c) subject to subsection (3), deliver every legal aid file in his or her possession to the area director, or to another lawyer as the applicant directs.

(2) The lawyer shall not, unless his or her name has been restored to the panel under section 34,

(a) accept any further certificate in relation to the panel; or

(b) provide any services under a certificate in relation to the panel that is accepted by another lawyer.

(3) The area director may allow a lawyer to whom clause (1) (c) applies to complete work under specified certificates that the lawyer has already accepted.

34. (1) A lawyer whose name is removed from a panel under section 31 or 32 may make an application to the area director to have his or her name restored to the panel.

(2) The area director shall refer the application, accompanied by his or her own recommendation, to the president.

(3) The president shall promptly decide whether to approve the application, may conduct an enquiry as he or she considers necessary for the purpose, and shall advise the area director and the lawyer of the decision as soon as possible.

(4) On being advised of a decision to approve the application, the area director shall restore the name to the panel as soon as possible.

35. Nothing in this Regulation discharges any lawyer whose name has been removed from a panel from any obligations to clients or to the Corporation.

36. Nothing in this Regulation interferes with the right to refuse a request for professional services.

37. (1) Every person named on a panel shall make reports, furnish information and render accounts in accordance with this Regulation.

(2) Subsection (1) also applies to lawyers mentioned in subsection 4 (2) of Ontario Regulation 107/99.

ACCOUNTS

38. (1) The legal accounts officer shall settle all lawyer's accounts for legal aid services provided under certificates, other than accounts mentioned in subsection (2).

(2) A lawyer's account may be paid without being settled by the legal accounts officer if,

- (a) the total account for fees and disbursements does not exceed \$1,200;
- (b) the account is submitted in the form specified by the legal accounts officer; and
- (c) there is no explicit request for a discretionary increase as mentioned in Note C to Schedule 1 or Note C to Schedule 2 of Ontario Regulation 107/99.

(3) At the president's request, the legal accounts officer shall settle an account under subsection (1) even though subsection (2) applies.

(4) An applicant or other person who is required to pay all or part of a lawyer's account for legal aid services may apply to a legal accounts officer for settlement of the account within 30 days after the account is mailed.

39. (1) On settling an account, the legal accounts officer shall send the lawyer who rendered it a notice of settlement of account, showing how the account has been dealt with and stating the amount at which it is settled.

(2) If an account is paid without being settled, the president shall send to the lawyer who rendered it a notice advising that the account has been paid without being settled and that section 46 applies.

40. (1) A lawyer who provides legal aid services under a certificate shall submit accounts to the president at least as frequently as the following requires:

- 1. No later than six months after the first anniversary of the date the certificate was issued, an account shall be submitted for all services provided and disbursements incurred during the 12-month period after the date the certificate was issued.
- 2. No later than six months after each subsequent anniversary, an account shall be submitted for all services provided and disbursements incurred during the corresponding 12-month period.

(2) Each account shall set out fees and disbursements, showing the date and description (and duration, if applicable) of each item, certified by the lawyer, and shall be accompanied by,

- (a) a statement as to whether the account is interim or final;
- (b) a copy of the certificate;
- (c) any other written authorization for legal aid services or the expenditure of money;

(d) the account of any counsel or agent engaged under the certificate, prepared in accordance with the regulations and certified by the counsel or agent;

(e) a copy of any report under subsection 13 (3);

(f) if the lawyer was employed by the applicant to provide any services with respect to the same matter before the certificate was issued,

(i) a detailed statement of those services,

(ii) a detailed statement of any disbursements made before the certificate was issued, and

(iii) a statement of any payment made by the applicant to the lawyer for those services and disbursements;

(g) a copy of any court order relating to the matter and purporting to affect the Corporation; and

(h) any further or other supporting material that the legal accounts officer requests.

(3) A lawyer who submits an account and supporting material under subsection (2) shall also, subject to subsection (4),

(a) send a copy of the account to the applicant and to every person who signed an agreement to contribute to the cost of the legal aid services provided under the certificate; and

(b) send the applicant a copy of any statements provided under clause (2) (f).

(4) The area director may direct the lawyer not to provide the copies if, in the area director's opinion, doing so could cause the applicant prejudice or embarrassment.

41. (1) A lawyer who acts as duty counsel shall, promptly after performing his or her duties, submit to the president,

(a) an account, in the form specified by the legal accounts officer, showing the times during which and the places at which he or she was engaged as duty counsel; and

(b) any claim for expenses.

(2) The account shall be submitted within six months after the services to which it relates were completed.

42. (1) If an account does not comply with subsection 40 (1) or 41 (2), as the case may be,

(a) the Corporation is not required to pay the account; and

(b) the account shall be returned to the lawyer with an appropriate reference to this section.

(2) Despite subsection (1), the president has discretion, on the lawyer's application, to extend the time during which the account may be submitted; in exercising the discretion, the president shall take into account whether or not the Corporation (or the applicant, if subsection 40 (1) applies) has been prejudiced by the delay.

(3) The application for an extension shall be made to the president and shall explain why the extension is necessary.

43. Fees otherwise payable under the Act and the regulations may be disallowed in whole or in part if they relate to,

(a) a proceeding that was,

- (i) unreasonably taken or prolonged,
- (ii) not likely to advance the applicant's interests, or
- (iii) incurred through negligence;
- (b) the preparation of a document that is improper, unnecessary or of unreasonable length; or
- (c) other preparation that is unreasonable in its nature or scope or in the time spent.

44. (1) A lawyer whose account was paid without being settled and who is dissatisfied with the amount paid may request that the legal accounts officer settle the account.

(2) The request shall be made within 60 days after the account is paid, and shall set out the items objected to and the grounds of objection.

(3) The legal accounts officer shall settle the account.

45. (1) A lawyer may request that the legal accounts officer review an account if it was settled under section 38 or 44 and the lawyer is dissatisfied with the amount paid.

(2) The request shall be made within 60 days after the account is settled, and shall set out the items objected to and the grounds of objection.

(3) The legal accounts officer shall review the account and may amend or confirm the amount.

46. (1) If an account is paid without being settled the president may, within two years after the date of the payment, make such enquiries as he or she considers necessary to verify that the account as submitted was for an amount properly payable under the Act and the regulations.

(2) The president shall cause accounts that were paid without being settled to be verified on a random basis within the two-year period.

47. (1) If the president has reasonable grounds to believe that an account as submitted is or was not properly payable under the Act and the regulations, he or she may conduct an investigation to determine the question.

(2) The investigation may be conducted at any time before or after the account has been paid.

APPEALS OF ACCOUNTS

48. (1) A lawyer whose account was reviewed under section 45 and who is dissatisfied with the amount paid may appeal to an assessment officer appointed under section 90 of the *Courts of Justice Act* with respect to,

- (a) the interpretation or application of the regulations; or
- (b) the principles on which the legal accounts officer has exercised his or her discretion.

(2) The appeal shall be commenced by serving a notice of appeal on the Corporation within 60 days after the legal accounts officer gave his or her decision.

(3) The notice of appeal shall identify the decision appealed from and state the grounds of appeal.

(4) After serving the notice of appeal, the appellant shall obtain an appointment from the assessment officer for the hearing of the appeal and give the Corporation at least 60 days notice of the hearing.

(5) The parties to the appeal may appear in person or by counsel.

(6) The assessment officer's decision shall be given in the form of a certificate issued to the parties, and is final.

SERVICE AND DELIVERY OF DOCUMENTS

49. (1) When this Regulation requires that a document be served, service may be made,

- (a) by personal service or by an alternative to personal service in accordance with the *Rules of Civil Procedure*;
- (b) in the case of the president or an area director, by prepaid mail addressed to the person at his or her office;
- (c) in the case of an applicant, by prepaid mail addressed to his or her last known address;
- (d) in the case of a lawyer, by prepaid mail addressed to his or her office.

(2) When this Regulation requires that a document be sent, this may be done,

- (a) by service in accordance with subsection (1);
- (b) in the case of an applicant, by prepaid mail addressed to the lawyer, if any, acting for the applicant.

(3) When a document is sent by prepaid mail, it is deemed to be delivered on the seventh day after mailing.

TRANSITION, REVOCATION AND COMMENCEMENT

50. With respect to the period before April 19, 1999,

- (a) references in this Regulation to the Family Court of the Superior Court of Justice are deemed to be references to the Family Court of the Ontario Court (General Division); and
- (b) references in this Regulation to the Ontario Court of Justice are deemed to be references to the Ontario Court (Provincial Division).

51. (1) The following are revoked:

1. Regulation 710 of the Revised Regulations of Ontario, 1990.
2. Ontario Regulations 657/92, 729/92, 421/93, 273/94, 68/95, 536/95, 130/96, 131/96 and 63/99.

(2) Despite subsection (1), section 98 of Regulation 710 (six-month rule for accounts) continues to apply in respect of certificates issued before April 1, 1999.

52. This Regulation comes into force on April 1, 1999.

SIDNEY B. LINDEN
Chair
Transitional Board

Dated on March 2, 1999.

13/99

ONTARIO REGULATION 107/99
made under the
LEGAL AID SERVICES ACT, 1998

Made: March 10, 1999
Filed: March 11, 1999

GENERAL

1. (1) The classes of applicants for legal aid services are:

1. Applicants for certificates.
2. Applicants for legal aid services to be provided by duty counsel.
3. Applicants for legal aid services to be provided by a clinic.

(2) The financial eligibility requirements for applicants for certificates are as set out in the document entitled "Financial Eligibility Criteria: Ontario Legal Aid Plan Policies and Procedures Manual", dated April 1, 1997 and produced by the Ontario Legal Aid Plan.

(3) The financial eligibility requirements for applicants for legal aid services to be provided by duty counsel are as set out in the document entitled "Duty Counsel: Financial Eligibility Test", being chapter 6 of the Duty Counsel Manual dated April, 1998 and produced by the Ontario Legal Aid Plan.

(4) The financial eligibility requirements for applicants for legal aid services to be provided by a clinic are as set out in the document entitled "CFC Policy Guidelines on Financial Eligibility", dated May, 1993 and produced by the Ontario Legal Aid Plan.

2. For the purposes of Part IV of the Act, a person is responsible with respect to an applicant for a certificate if,

- (a) the person is legally responsible to support the applicant;
- (b) the person has a personal relationship with the applicant because of which the applicant, in the area director's opinion, would have a reasonable expectation of financial assistance in a situation as serious as one for which the application for legal aid services is made; or
- (c) the person would, in the area director's opinion, receive a direct benefit if legal aid services were provided to the applicant..

3. (1) This section applies in respect of fees and disbursements paid to,

- (a) lawyers who provide services under certificates; and
- (b) lawyers who act as duty counsel and are not employees of the Corporation or of a clinic.

(2) Fees and disbursements shall be determined as follows:

1. Fees shall be calculated under Schedules 1, 2, 3, 4 and 5.
2. Disbursements shall be calculated under Schedule 6.
3. Fees and disbursements shall be calculated,

- i. if clause (1) (a) applies, in accordance with this section and the Schedules as they read at the time the certificate is issued, regardless of when the service is provided or the disbursement made, and

- ii. if clause (1) (b) applies, in accordance with this section and the Schedules as they read at the time the service is provided or the disbursement is made.

4. No person shall be paid for providing more than 10 hours of services in one day. In calculating time for the purpose of this para-

graph, each hour in court spent at trial or in a preliminary inquiry shall be considered one half-hour.

5. The fees to be paid to a lawyer for services provided in a particular fiscal year shall not exceed,

- i. \$157,500 for a lawyer with four years of certified experience or less,
- ii. \$177,190 for a lawyer with more than four but less than 10 years of certified experience, and
- iii. \$196,875 for a lawyer with 10 or more years of certified experience.

For the purposes of this paragraph, a lawyer is considered to have certified experience to the extent that he or she certifies his or her experience under Item 14 of the Table to Schedule 1 or under Item 24 of the Table to Schedule 2 for the purpose of obtaining an experience allowance.

6. The president may authorize a greater payment than the applicable amount under paragraph 5 if he or she considers it necessary to ensure the representation of an applicant.

4. (1) A lawyer is entitled to the payment of fees and disbursements for services provided under a certificate only if,

- (a) the lawyer's name was on the appropriate panel or subpanel at the time the services were provided; and
- (b) the services provided were within the scope of the certificate as amended from time to time.

(2) Despite clause (1) (a), a lawyer who is required or permitted to complete work under subsection 30 (2) or 33 (3) of Ontario Regulation 106/99 may receive payment for legal aid services that are undertaken under the certificate while his or her name is on the appropriate panel or subpanel but completed after it is removed.

(3) A lawyer who is not employed by the Corporation is entitled to the payment of fees and disbursements for a duty counsel service only if his or her name was on the list for the appropriate panel or subpanel at the time the service was provided.

(4) Subsection (3) does not apply with respect to clinic law duty counsel services.

5. (1) A lawyer who accepts a certificate for the defence of a criminal proceeding shall promptly notify the area director if any of the following circumstances exist:

1. For a matter other than a charge of first degree or second degree murder, the total fees and disbursements are likely to exceed \$20,000.
2. For a charge of first degree or second degree murder, the total fees and disbursements are likely to exceed \$30,000.
3. For a proceeding involving more than one accused person, the total fees and disbursements for all accused persons are likely to exceed \$50,000.
4. The preliminary hearing is likely to take more than two weeks.

(2) On receiving the notice, the area director may hold a case management meeting to set a budget for the proceeding.

(3) Before the case management meeting, the area director may request summaries and other materials about the case and the lawyer shall comply with the request.

(4) The area director and every lawyer providing services under a certificate in the proceeding shall attend the case management meeting.

(5) The persons attending the case management meeting shall attempt to agree on a budget; if they are unable to agree, the area director may set one.

(6) The budget shall,

(a) list the steps in the proceeding that a reasonable applicant of modest means would authorize under a private retainer, if advised of the available options, the potential results and the costs involved; and

(b) specify an amount of money that represents the anticipated total fees and disbursements for those steps.

(7) The area director shall inform the president of the outcome of the case management meeting and the details of the budget.

(8) A decision of the area director setting the budget may be appealed to the president.

(9) A lawyer who is providing services under a certificate for the proceeding and anticipates that the fees and disbursements are likely to exceed the amount set out in the budget shall promptly notify the area director.

(10) On receiving the notice, the area director may hold a case management meeting to review and, if appropriate, amend the budget; in that case, subsections (4) to (8) apply with necessary modifications.

(11) The functions of the area director under this section may be performed by a person whom the area director designates.

(12) The accounts for services provided under a certificate for the proceeding shall be settled in accordance with the Schedules and the budget.

6. The following requirements apply to the contingency reserve fund mentioned in subsection 66 (4) of the Act:

1. The Corporation shall establish an account in accordance with section 55 of the Act, for the purpose of holding the fund, and shall pay into it the capital amount of \$20,000,000.

2. The amount of the fund shall not exceed the total of,

i. the original capital amount, as increased under paragraph 3, if applicable,

ii. any interest earned on the amount mentioned in subparagraph i, and

iii. any income from investments under section 7.

3. The Corporation may, with the approval of the Lieutenant Governor in Council, obtained in advance, increase the capital amount of the fund.

4. Subject to paragraphs 5 and 6, the Corporation may withdraw capital amounts from the fund to cover its operating costs.

5. The Corporation shall notify the Attorney General of each withdrawal of capital.

6. The Corporation may make a withdrawal that will increase the total capital amount withdrawn from the fund beyond \$5,000,000 only with the Attorney General's approval, obtained in advance. The request for the Attorney General's approval shall include,

i. an explanation of why the withdrawal is needed,

ii. a schedule for repayment, and

iii. a statement of the Corporation's plans for preventing a similar need from arising in future.

7. The Corporation may withdraw interest or investment income from the fund at any time to fund the provision of legal aid services. Notice to the Attorney General is not required.

8. The Corporation shall give the Attorney General quarterly financial reports showing the balance in the fund, broken down as to capital and income.

9. At the end of the 2001-02 fiscal year, the Corporation shall conduct a comprehensive review of the operation of the fund since April 1, 1999, and shall submit a report on the review to the Attorney General.

7. (1) The investment powers set out in this section are prescribed for the purposes of subsection 57 (1) of the Act.

(2) The Corporation may invest in:

1. Bonds, debentures, promissory notes or other evidence of indebtedness issued or guaranteed by,

i. Canada or a province or territory of Canada, or

ii. an agency of Canada or of a province or territory of Canada.

2. Bonds, debentures, promissory notes or other evidence of indebtedness of a corporation if,

i. the bond, debenture or other evidence of indebtedness is secured by the assignment to a trustee, as defined in the *Trustee Act*, of payments that Canada or a province or territory of Canada has agreed to make or is required to make under a federal, provincial or territorial statute, and

ii. the payments referred to in subparagraph i are sufficient to meet the amounts payable under the bonds, debentures or other evidence of indebtedness, including the amounts payable at maturity.

3. Deposit receipts, deposit notes, certificates of deposit or investment, acceptances or similar instruments issued, guaranteed or endorsed by,

i. a bank listed in Schedule I or II to the *Bank Act* (Canada),

ii. a loan corporation or trust corporation registered under the *Loan and Trust Corporations Act*,

iii. a credit union or league to which the *Credit Unions and Caisses Populaires Act, 1994* applies, or

iv. the Province of Ontario Savings Office.

(3) The Corporation shall not invest in a security that is expressed or payable in any currency other than Canadian dollars.

(4) Before the Corporation invests in a security prescribed by this Regulation, the board of directors of the Corporation shall, if it has not already done so, adopt a statement of the Corporation's investment policies and goals.

(5) If the Corporation has an investment in a security prescribed by this Regulation, the board shall require the president to prepare and provide to the board, each year or more frequently as specified by the board, an investment report.

(6) The investment report shall contain,

- (a) a statement about the performance of the Corporation's portfolio of investments during the period covered by the report;
- (b) a statement by the president as to whether or not, in his or her opinion, all investments were made in accordance with the investment policies and goals in the statement adopted under subsection (4);
- (c) any other information that the board may require or that, in the president's opinion, should be included.

(7) If the Corporation makes investments directly rather than through an agent as mentioned in subsection 57 (2) of the Act, the members of the board are subject to the same standards as an agent would be under subsection 57 (3) of the Act.

8. With respect to the period before April 19, 1999,

- (a) references in this Regulation to the Family Court of the Superior Court of Justice are deemed to be references to the Family Court of the Ontario Court (General Division); and
- (b) references in this Regulation to the Ontario Court of Justice are deemed to be references to the Ontario Court (Provincial Division).

9. Despite its revocation by Ontario Regulation 106/99, Regulation 710 of the Revised Regulations of Ontario, 1990 continues to apply in respect of,

- (a) duty counsel services provided before April 1, 1999; and
- (b) services provided under certificates issued before that date.

10. This Regulation comes into force on April 1, 1999.

Schedule 1

FEES IN CRIMINAL MATTERS

NOTES

- A. The fees payable in criminal matters are set out in the Table to this Schedule and must be read in conjunction with these Notes and any qualifications or allowances set out in the Table.
- B. All fees in this Schedule are subject to increase or decrease in accordance with Note C and items 14.1 and 14.2 of the Table to this Schedule.
- C. This Schedule is a legal aid tariff reflecting fees customarily paid by a client of modest means and except in exceptional circumstances the fees provided for shall normally apply for the described legal aid services, but,
 - (a) at the written request of the lawyer, the fees may be increased by the legal accounts officer if in his or her opinion an increase is justified, having regard to all the circumstances, including,
 - (i) the result obtained,
 - (ii) the complexity of the matter,
 - (iii) the contributions of the applicant or other contributors,
 - (iv) the amount of time realistically set aside in anticipation of a lengthy trial which time was not otherwise filled by the lawyer, and
 - (v) any other relevant factor that would warrant an increased fee; and

- (b) the fees may be decreased by the legal accounts officer if in his or her opinion a decrease is appropriate,
 - (i) under section 43 of Ontario Regulation 106/99, or
 - (ii) where and to the extent that the fees charged exceed the amount of fees that would be allowed if the fees of the lawyer were assessed under the *Solicitors Act*.

- D. A lawyer shall prepare an account in accordance with this Schedule and shall provide details of services rendered, including the date, time of day, length of time, description of service and by whom the service was rendered.
- E. The legal accounts officer may require proof and justification of all items included in an account, either by the production of docket entries or otherwise.
- F. If a lawyer represents two or more persons charged with the same offence or a similar offence arising out of the same occurrence and if the pre-trial conferences with the Crown, judicial interim release proceedings, withdrawals of charges, pre-trial hearings, preliminary inquiries, trials, pleas of guilty or appeals are heard in the same court at approximately the same time, then, for the purposes of this Schedule, the lawyer is entitled to fees as for one client and to an increase of 40 per cent and such additional fees as may be appropriate in accordance with Note C.
- G. Where a lawyer represents a person charged with two or more offences and the pre-trial conferences with the Crown, judicial interim release proceedings, withdrawals of charges, pre-trial hearings, preliminary inquiries, trials, pleas of guilty or appeals are heard in the same court at approximately the same time, the lawyer is entitled to fees as for one charge and to such additional fees as may be appropriate in accordance with Note C.

Where a lawyer represents a person charged with two or more offences and the pre-trial conferences with the Crown, judicial interim release proceedings, withdrawals of charges, pre-trial hearings, preliminary inquiries, trials, pleas of guilty and appeals are not heard in the same court at approximately the same time, the lawyer is not entitled to fees for more than one charge unless the lawyer satisfies the legal accounts officer that the course of action taken by the lawyer was appropriate.

- H. Where a lawyer represents two or more persons, and one of them is a private retainer client and another of them is represented under a certificate, the lawyer shall disclose the fact of representing a private client to the legal accounts officer and shall prorate all disbursements and preparation between the private client and the applicant.
- I. If a lawyer can readily ascertain that a maximum allowed by this Schedule is clearly inadequate with respect to a matter for which a certificate has been issued, the lawyer shall forthwith advise the area director and the legal accounts officer of the details of the case and an estimate of the time and services required. Failure to do so will be a factor in the settlement of the lawyer's account.
- J. In any matter not dealt with by this Schedule, the legal accounts officer shall allow a reasonable fee and, in determining the fee properly payable in respect of the matter, shall have regard to this Schedule for comparable services.
- K. A lawyer may render interim accounts whenever his or her unbilled account balance, exclusive of disbursements, exceeds \$500 and at such other times as the legal accounts officer may permit. However, a lawyer may not render an interim account for services rendered in connection with appeals except when permitted by the legal accounts officer.
- L. The following rules apply to a case where junior counsel is retained:

ITEM	COLUMN 1	COLUMN 2
		Maximum Hours Allowed
5.	Fees	
5.1	For, <ul style="list-style-type: none"> (a) all preparation, pretrial conferences with the Crown, judicial interim release hearings after the first hearing, variations of judicial interim release orders, judicial pretrials after the first judicial pretrial, waiting time, correspondence, communications, document preparation; (b) adjournments and remands; and (c) a half-day in court for a plea of guilty, whether or not a charge for another offence referred to in item 4.1 is withdrawn, where the total time spent on services described in clause (a) does not exceed five hours	8.5
5.2	For, <ul style="list-style-type: none"> (a) all preparation, pretrial conferences with the Crown, judicial interim release hearings after the first hearing, variations of judicial interim release orders, judicial pretrials after the first judicial pretrial, waiting time, correspondence, communications, document preparation; (b) adjournments and remands; and (c) a half-day in court for a plea of guilty or a withdrawal of all charges, where the total time spent on services described in clause (a) exceeds five hours	13
5.3	For, <ul style="list-style-type: none"> (a) all preparation, pretrial conferences with the Crown, judicial interim release hearings after the first hearing, variations of judicial interim release orders, judicial pretrials after the first judicial pretrial, waiting time, correspondence, communications, document preparation; (b) adjournments and remands; and (c) two half-days in court for a plea of guilty or a withdrawal of all charges 	13
5.4	For, <ul style="list-style-type: none"> (a) all preparation, pretrial conferences with the Crown, judicial interim release hearings after the first hearing, variations of judicial interim release orders, judicial pretrials after the first judicial pretrial, waiting time, correspondence, communications, document preparation; (b) adjournments and remands; and 	

ITEM	COLUMN 1	COLUMN 2
		Maximum Hours Allowed
	(c) two half-days in court following a plea of not guilty	15
5.5	Where an offence referred to in item 4.1 proceeds to a preliminary inquiry or trial and the inquiry and trial in total last more than two half-days, the case shall be billed in accordance with Part I of this Table and not in accordance with items 5.1 to 5.4.	
5.6	Despite item 5.5, where an offence referred to in item 4.1 is resolved by way of guilty plea and the inquiry and trial in total last more than two half-days, the lawyer shall receive fees, <ul style="list-style-type: none"> (a) in accordance with item 5.3, for services rendered up to and including one day in court; and (b) for each half-day in court after the first day, including preparation therefor, an additional 	2.5

PART III OFFENCES

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
		Maximum Hours Allowed 6.1 Offences	Maximum Hours Allowed 6.2 Offences
6.	Offences		
6.1	All summary conviction offences under the <i>Criminal Code</i> (Canada) and all hybrid offences where the Crown elects to proceed summarily.		
6.2	All provincial offences and all summary conviction offences under federal statutes other than the <i>Criminal Code</i> (Canada).		
7.	Fees		
7.1	For, <ul style="list-style-type: none"> (a) all preparation, pretrial conferences with the Crown, judicial interim release hearings after the first hearing, variations of judicial interim release orders, judicial pretrials after the first judicial pretrial, waiting time, correspondence, communications, document preparation; 		

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
		Maximum Hours Allowed 6.1 Offences	Maximum Hours Allowed 6.2 Offences
7.2	(b) adjournments and remands; and (c) attendance in court, where a plea of guilty is entered	6	5
	For, (a) all preparation, pre-trial conferences with the Crown, judicial interim release hearings after the first hearing, variations of judicial interim release orders, judicial pre-trials after the first judicial pretrial, waiting time, correspondence, communications, document preparation; (b) adjournments and remands; and (c) attendance in court, where any charges are withdrawn, except where the accused is charged with more than one offence contrary to section 253 or with theft and possession arising out of the same set of circumstances ..	8.5	7
7.3	For, (a) all preparation, pre-trial conferences with the Crown, judicial interim release hearings after the first hearing, variations of judicial interim release orders, judicial pre-trials after the first judicial pretrial, waiting time, correspondence, communications, document preparation; (b) adjournments and remands; and (c) attendance in court for the first day of trial, where items 7.1 and 7.2 do not apply	10.5	9
7.4	Where item 7.1 or 7.2 applies, for each half-day of trial after the first day, including all preparation therefor, an additional	2.5	2.5
7.5	Where item 7.3 applies, for each day of trial after the first day, including all preparation therefor, an additional	5	5

**PART IV
ANCILLARY CRIMINAL PROCEEDINGS**

ITEM	COLUMN 1	COLUMN 2
		Maximum Hours Allowed
8.	Interim Release, <i>Canadian Charter of Rights and Freedoms</i>, Criminal Code Review Board Hearings, Pretrial Hearings	
8.1	For all preparation and attendance for the first application for judicial interim release	2
8.2	For all preparation, including drafting, serving and filing of the notice of motion and factum and for attendance at the hearing for the first application for an order pursuant to the <i>Canadian Charter of Rights and Freedoms</i>	2
8.3	For all preparation and attendance at the first judicial pretrial hearing with a judge	2
8.4	For all services for application to the Superior Court of Justice for review of orders made under section 515 of the <i>Criminal Code</i> (Canada), where approved by the area director	5
8.5	For all services rendered in connection with a Criminal Code Review Board hearing: (a) for all services other than attendance at the hearing, (i) for the first day of hearing ... (ii) for second day of hearing (b) for attendance at the hearing	10 8 No maximum
8.6	For all services for an application for interim release pending appeal to the Superior Court of Justice, the Court of Appeal or the Supreme Court of Canada or for an application for release pending a new trial	5
8.7	For all services for an extension of interim release pending appeal to the Superior Court of Justice, the Court of Appeal or the Supreme Court of Canada or for an extension of release pending a new trial	3
9.	Appeals to Superior Court of Justice	
9.1	For all services rendered in connection with a summary conviction appeal to the Superior Court of Justice other than attendance in court on the hearing of the appeal, (a) on appeal from conviction or from conviction and sentence	16
	(b) on appeal from sentence	14
9.2	For attendance on the hearing of the appeal	No maximum

ITEM	COLUMN 1	COLUMN 2
		Maximum Hours Allowed
9.3	Despite items 9.1 and 9.2, on a stated case summary conviction appeal, (a) for an appearance in court as counsel on behalf of an applicant other than for an adjournment, setting a date for a future appearance or similar procedural matter; (a) for all services rendered in connection with the appeal, other than attendance in court on the hearing of the appeal, and for one day attendance on the hearing of the appeal (b) for each day attendance on the hearing of the appeal after the first day, including all preparation	11 6.5
10.	Appeals to the Court of Appeal	
10.1	For all services rendered in connection with an appeal to the Court of Appeal other than attendance in court on the hearing of the appeal.	
10.2	The following maximums apply to services under item 10.1: (a) on appeal from conviction or from conviction and sentence (b) on appeal from sentence, (i) if a plea of guilty was entered (ii) if the sentence followed a trial	37 14 16
10.3	For attendance on the hearing of the appeal	No maximum
11.	Appeals to the Supreme Court of Canada	
11.1	For all services rendered in connection with an appeal to the Supreme Court of Canada, other than attendance in court on the hearing of the application for leave to appeal and appeal.	
11.2	The following maximums apply to services under item 11.1: (a) for application for leave to appeal (b) for hearing of appeal	12 37
11.3	For attendance on hearing of application for leave to appeal and appeal	No maximum
11.4	For receiving judgment	2
12.	Prerogative writs	
12.1	For all preparation	16
12.2	For attendance on hearing of prerogative writ	No maximum

**PART V
MISCELLANEOUS**

ITEM	COLUMN 1
	Description of Service
13.	Travel Time
13.1	With the approval of the area director, travel time shall be allowed at the rate of \$43 per hour, where a lawyer travels more than 50 kilometres, one way, from his or her office, (b) for up to two visits before the preliminary inquiry with an applicant who is incarcerated; (c) for one visit before trial with an applicant who is incarcerated; (d) for one pre-trial conference with the judge before the preliminary inquiry; (e) for one pre-trial conference with the judge before the trial.
13.2	An appeal from the decision of the area director lies to the area committee and a further appeal lies to the president.
13.3	Despite item 13.1, in appeals to the Ontario Court of Appeal and the Supreme Court of Canada, travel time shall be allowed at a rate of \$43 per hour where a lawyer travels more than 50 kilometres, one way, from his or her office for an appearance as counsel on behalf of the applicant.
13.4	Travel time shall not be allowed where a lawyer travels within the following areas:
13.4	Travel time shall not be allowed where a lawyer travels within the following areas: 1. The Regional Municipality of Durham. 2. The part of the City of Toronto formerly known as the City of Etobicoke. 3. The Regional Municipality of Halton. 4. The part of the City of Toronto formerly known as the City of North York. 5. The Regional Municipality of Peel. 6. The part of the City of Toronto formerly known as the City of Scarborough. 7. The parts of the City of Toronto formerly known as the City of Toronto incorporated under the <i>City of Toronto Act, 1834</i> , the City of York and the Borough of East York. 8. The Regional Municipality of York.
13.5	The fee allowed for travel time within southern Ontario shall not exceed 30 per cent of the total fee allowed for the services rendered as settled by the legal accounts officer.
13.6	For the purposes of this Schedule, the dividing line between northern Ontario and southern Ontario is as follows:

ITEM	COLUMN I	
	Description of Service	
	Healy Lake (Municipal) Road from Healy Lake easterly to its junction with Highway 612; Highway 612 to Highway 103; Highway 103 easterly to its junction with Highway 69; Highway 69 easterly to its junction with Highway 118; Highway 118 through Bracebridge to its junction with Highway 11; Highway 11 northerly to its junction with Highway 60 at Huntsville; Highway 60 easterly to its junction with Highway 62 at Killaloe Station; Highway 62 to Pembroke; the above-named highways to be included in southern Ontario.	
14.	Experience Allowances	
14.1	Fees set out in this Schedule are subject to an increase of 12.5 per cent for a lawyer who certifies that he or she has the equivalent of four years of practice in criminal law.	
14.2	Fees set out in this Schedule are subject to an increase of 25 per cent for a lawyer who certifies that he or she has the equivalent of 10 years of practice in litigation, including at least four years of practice in criminal law.	
14.3	For the purpose of this Schedule,	
	(a) practice in litigation means practice in civil litigation or practice in criminal law; and	
	(b) years of practice in criminal law or litigation are calculated by multiplying the total number of years in practice by the percentage of the lawyer's practice that is criminal law or litigation, as the case may be.	
15.	Other Matters	
15.1	In any matter referred to in subsection 25 (4) or (5) of the Act, the fee shall be in the discretion of the legal accounts officer who shall have regard to the importance and difficulty of the work.	
15.2	The legal accounts officer may allow a fee in proper cases for any services rendered with respect to an application to an area committee under subsection 25 (4) or (5) of the Act when such services have been rendered at the request of and for the use of the area committee.	
15.3	The legal accounts officer may allow a fee to a lawyer for the preparation of an opinion, for an additional opinion or for the lawyer's attendance to make further submissions when requested by the area committee or the area director.	
15.4	A lawyer shall be paid an administrative fee in the amount of one-half hour of the hourly rate upon signing and returning the acceptance and undertaking of a certificate.	
16.	Young Offenders	
16.1	The fee payable for all services for a successful application for alternative measures shall be the fee payable for a guilty plea by an adult for the same type of offence.	
16.2	Fees shall be allowed for proceedings under the <i>Young Offenders Act</i> (Canada) at the same rate as is provided under the Act creating the offence.	

Schedule 2**FEES IN CIVIL MATTERS****NOTES**

A. The fees payable in civil litigation, family law and child protection matters are set out in the Table to this Schedule and must be

read in conjunction with these Notes and any qualifications or allowances set out in the Table.

A.1 The Table is divided into Parts that are applicable as follows:

1. Part I sets out the basic hourly rate applicable to civil litigation, family law and child protection matters.
2. Part II A applies to civil litigation matters.
3. Part II B applies to family law matters; advising complainants in family violence criminal matters is included as a family law matter.
4. Part II C applies to child protection matters under the *Child and Family Services Act*.
5. Part II D applies to civil litigation, family law and child protection matters.
6. Part II E applies to appeals.
7. Part II F applies to immigration and refugee matters.
8. Part II G applies to matters before administrative boards and tribunals.
9. Part II H applies to other matters.
10. Part III applies to block fee matters.
11. Part IV applies to travel time, experience allowances and other matters.

B. All fees in this Schedule are subject to an increase or decrease in accordance with Note C and items 24.1 and 24.2 of the Table to this Schedule.

C. This Schedule is a legal aid tariff reflecting fees customarily paid by a client of modest means and except in exceptional circumstances the fees provided for shall normally apply for the described legal services, but,

- (a) at the written request of the lawyer, the fees may be increased by the legal accounts officer if in his or her opinion an increase is justified, having regard to all the circumstances, including,
 - (i) the result obtained,
 - (ii) the complexity of the matter,
 - (iii) the contributions of the applicant or other contributors,
 - (iv) the amount of time realistically set aside in anticipation of a lengthy trial or hearing which time was not otherwise filled by the lawyer, and
 - (v) any other relevant factor that would warrant an increased fee; and
- (b) the fees may be decreased by the legal accounts officer if in his or her opinion a decrease is appropriate,
 - (i) under section 43 of Ontario Regulation 106/99, or
 - (ii) where and to the extent that the fees charged exceed the amount of fees that would be allowed if the fees of the lawyer were assessed under the *Solicitors Act*.

D. A lawyer shall prepare an account in accordance with this Schedule and shall provide details of services rendered, including the date, time of day, length of time, description of service and by whom the service was rendered.

E. The legal accounts officer may require proof and justification of all items included in an account, either by the production of docket entries or otherwise.

- F. If a lawyer represents two or more persons in the same proceeding or if a lawyer represents a person in two or more proceedings and, in either case, if the trials, hearings or appeals are heard in the same court or forum at approximately the same time, then, for the purposes of this Schedule, the lawyer shall be entitled to fees as for one client on one proceeding and such additional fees as may be appropriate in accordance with Note C.
- G. If a lawyer can readily ascertain that a maximum allowed by this Schedule is clearly inadequate with respect to a matter for which a certificate has been issued, the lawyer shall promptly advise the area director and the legal accounts officer of the details of the case and an estimate of the time and services required. Failure to do so will be a factor in the settlement of the lawyer's account.
- H. In any matter not dealt with by this Schedule, the legal accounts officer shall allow a reasonable fee and, in determining the fee properly payable in respect of the matter, shall have regard to this Schedule for comparable services.
- I. A lawyer may render interim accounts: after all interim motions are concluded; after completion of examinations for discovery; after a pre-trial conference; and at such other times as the legal accounts officer may permit. However, a lawyer may not render an interim account for services rendered in connection with appeals except when permitted by the legal accounts officer.
- J. The following rules apply to a case where junior counsel is retained:
1. For attendance in court, the junior counsel shall be paid 75 per cent of the hourly rate payable under this Schedule.
 2. For all services other than attendance in court, the junior counsel shall be paid the hourly rate payable under this Schedule, but without increase based on experience.
 3. The maximum time permitted on a case may be increased by 50 per cent.
- K. A fee may be allowed in the discretion of the legal accounts officer for negotiating a settlement whether or not a settlement has been effected or a proceeding has been initiated.
- L. Where this Schedule specifies the maximum hours allowed for a group of services and a lawyer seeks payment for one or more but not all of those services, the legal accounts officer shall determine the number of hours for which the lawyer is entitled to payment. In making the determination, the legal accounts officer shall allow an appropriate number of hours having regard to the maximums specified in this Schedule.

TABLE

**PART I
HOURLY RATE
JUDICIAL OR QUASI-JUDICIAL PROCEEDINGS**

ITEM	COLUMN 1	COLUMN 2
	Description of Service	Rate Per Hour
1. Hourly Rate		
1.1	For all matters in the Supreme Court of Canada, Ontario Court of Appeal, Superior Court of Justice, Federal Court of Canada, Ontario Court of Justice or a surrogate	

ITEM	COLUMN 1	COLUMN 2
	Description of Service	Rate Per Hour
	court or quasi-judicial or administrative boards or commissions and for other matters referred to in Part II of the Table	\$67
1.2	The hourly rate shall not be paid where, under Part III, this Table provides for the payment of a block fee.	
1.3	Part II of the Table sets out in Column 2 the maximum hours allowed for the professional services described opposite thereto in Column 1.	

**PART II
MAXIMUM HOURS ALLOWED**

ITEM	COLUMN 1	COLUMN 2
	Description of Service	Maximum Hours Allowed
A. CIVIL LITIGATION		
2. Institution of a Proceeding		
2.1	For preliminary interviews, advising and receiving instructions for the commencement or defence of an action or application before a court or before a quasi-judicial or administrative board or commission, including preparation and issuance of originating process other than a pleading	2.5
2.2	For preparation and delivery of all pleadings, including affidavits in support of or in response to an application, demand and reply to demand for particulars	4
3. Discoveries and Examinations		
3.1	For preparation of notice to produce documents and affidavits on production, production and inspection of documents and preparation for discoveries or for examinations on applications or motions, <ul style="list-style-type: none"> (a) for the first hour of each examination (b) for each additional hour of examination 	2 1
3.2	The maximum hours allowed under item 3.1 is	7
3.3	For attendance on discovery or examination on an application or motion	No maximum
3.4	For preparation and delivery of request to admit and response to request to admit . . .	2
4. Motions and Other Interlocutory Hearings		

ITEM	COLUMN 1	COLUMN 2
	Description of Service	Maximum Hours Allowed
4.1	For procedural motions without notice, for all services, including preparation of notice of motion and affidavits, preparation and attendance at hearing, if required, and settling, signing and entering the order	1
4.2	For all other motions and interlocutory hearings including appeals to the Superior Court of Justice, (a) for all services, including preparation of notice of motion or notice of appeal and affidavits, preparation for hearing, and settling, signing and entering the order, but not including attendance at hearing	4.5
	(b) for attendance at hearing	No maximum
4.3	On motion for leave to appeal from the disposition of a motion under item 4.1 or 4.2, for all preparation	2
4.4	For attendance at hearing or adjournment of a motion for leave to appeal from a disposition of a motion under item 4.1 or 4.2	No maximum
5.	Pre-Trial Conferences and Issues Hearings	
5.1	For all preparation for a pre-trial conference, case conference or issues hearing	2
5.2	For attendance on a pre-trial conference, case conference or an issues hearing	No maximum
6.	Correspondence and Communications	
6.1	For all necessary correspondence and communications (with billing being allowed a maximum of 0.2 hours)	3
	B. FAMILY LAW	
7.	Family Law	
7.1	The maximums provided in items 7.2 to 7.10 include all services before the first pre-trial hearing, including interviews, correspondence, communications, pleadings, preparation of financial statements, discovery, production, disclosure, case management meetings with a judge, opinion letters, reporting and billing (with billing being allowed a maximum of 0.2 hours).	
7.2	For applications and proceedings under the <i>Divorce Act</i> (Canada), the <i>Family Law Act</i> and the <i>Children's Law Reform Act</i> , and for the negotiation of domestic contracts under the <i>Family Law Act</i>	12
7.3	For matters in which custody or both custody and access is in issue, an additional	15

ITEM	COLUMN 1	COLUMN 2
	Description of Service	Maximum Hours Allowed
7.4	For matters in which access is in issue, an additional	7.5
7.5	For matters in which spousal support or child support or both is in issue, an additional	9
7.6	For matters in which any of possession, ownership, entitlement, identification or calculation of net family property or equalization payment is in issue, an additional	8
7.7	For matters in which an order restraining contact between spouses is sought or is in issue, an additional	4
7.8	For interviews and advice to complainant in a family violence criminal matter	2
7.9	For all services in connection with an application to vary an existing order or agreement for child or spousal support, including interviews, advice, preparation of a financial statement, obtaining financial disclosure and documentation, correspondence, communications, negotiation, attendance at a variation conference and reporting on it, and drafting and filing respondent's emergency pleadings in the respondent's name	7.5
7.10	For initiating or responding to a court application to vary a support order or agreement, for all services following the completion of the variation conference to the end of the first pre-trial conference, an additional	10
7.11	For all preparation for and attendance at the first pretrial conference, case conference, settlement conference or issues hearing	4
	C. CHILD PROTECTION	
8.	Child Protection	
8.1	The maximums provided in items 8.2 and 8.3 include all services up to the end of the first pre-trial hearing, including interviews, correspondence, communications, pleadings, opinion letters, preparation for and attendance at status review hearings, reporting and billing (with billing being allowed a maximum of 0.2 hours).	
8.2	All proceedings under the <i>Child and Family Services Act</i> for all services where a children's aid society is seeking an order for society supervision or wardship	19
8.3	In proceedings under the <i>Child and Family Services Act</i> where a children's aid society is seeking an order for Crown wardship	22

ITEM	COLUMN 1	COLUMN 2
	Description of Service	Maximum Hours Allowed
8.4	For all services for a motion for temporary care and custody	6
8.5	For preparation for and attendance at a status review hearing	6
D. LITIGATION		
9.	Trials, References and Hearings	
9.1	For setting the action or application down for trial, preparing and delivering notice of trial, attendance at assignment court and all preparation for a trial, reference or hearing of an application and preparation during the trial, reference or hearing, (a) after the final pre-trial conference and before the first day of attendance at a trial, reference or hearing	15
	(b) for each day of attendance at a trial, reference or hearing after the first day	4
9.2	For attendance at a trial, reference or hearing of an application	No maximum
9.3	For an adjournment of a trial, reference or hearing of an application	No maximum
10.	Matters Subsequent to Trial, Reference or Hearing	
10.1	For all necessary matters subsequent to a trial, reference or hearing of an application, including signing and entering judgment but excluding matters provided for in items 10.2, 10.3, 10.4 and 10.5	2
10.2	For all preparation for and attendance on appointment to settle judgment	1
10.3	For all preparation for and attendance on assessment of bill of costs, obtaining assignment of costs and filing execution ..	3
10.4	For all preparation for and attendance on examination in aid of execution	2
10.5	For all preparation for and attendance at a default hearing in the Ontario Court of Justice or the Family Court of the Superior Court of Justice	2
10.6	For all other necessary matters including preparation and filing request to enforce and preparing and issuing notice of garnishment	2
E. APPEALS		
11.	Appeals Combined with Motion for Leave	
11.1	If a motion for leave to appeal and the hearing of the appeal are heard at approximately the same time, the lawyer is entitled to fees for the appeal only.	

ITEM	COLUMN 1	COLUMN 2
	Description of Service	Maximum Hours Allowed
12.	Appeals to the Supreme Court of Canada	
12.1	For all preparation for leave to appeal	17
12.2	For attendance on application for leave to appeal	No maximum
12.3	For all preparation for appeal	37
12.4	For attendance on appeal	No maximum
13.	Appeals to the Court of Appeal, Federal Court of Appeal	
13.1	For all preparation of motion for leave to appeal	12
13.2	For attendance on motion for leave to appeal	No maximum
13.3	For all preparation for appeal	27
13.4	For attendance on appeal	No maximum
14.	Appeals to the Superior Court of Justice	
14.1	For all preparation, including drawing and filing notice of appeal and appeal books ..	16
14.2	For attendance on appeal	No maximum
F. IMMIGRATION AND REFUGEE MATTERS		
15.	Immigration and Refugee Matters	
15.1	In matters before the Convention Refugee Determination Division of the Immigration and Refugee Board, appeals to the Appeals Division, and Inquiries before an adjudicator, for all preparation before the hearing including interviews, advice, completion of the personal information form, preparation for prehearing proceedings, opinion letters, communications, correspondence and motions	16
15.2	Despite item 15.1, where the application is from a country for which the success rate of applications for refugee status exceeds 90 per cent, for all services mentioned in item 15.1	10
15.3	Despite item 15.1, in expedited applications before the Convention Refugee Determination Division, for all services mentioned in item 15.1	8
15.4	For attendance at the hearing or prehearing	No maximum
15.5	For a review of a detention order,	

ITEM	COLUMN 1	COLUMN 2
	Description of Service	Maximum Hours Allowed
	(a) for all preparation	3
	(b) for all preparation for each subsequent detention review	1
	(c) for attendance at the hearing	No maximum
15.6	For all services relating to submissions to the Minister and applications on humanitarian and compassionate grounds	10
15.7	For applications for judicial review and appeals to the Federal Court,	
	(a) for all preparation for the motion for leave	15
	(b) for all preparation for the appeal or application	15
	(c) despite clauses (a) and (b), for total preparation for the leave application and the appeal or application	27
	(d) for attendance on the appeal or application	No maximum
15.8	For applications to stay deportation,	
	(a) for all preparation	6.5
	(b) for attendance on the stay application	No maximum
16.	G. ADMINISTRATIVE BOARDS AND TRIBUNALS	
16.1	Administrative Boards and Tribunals	
	(a) For all preparation before the first day of hearing before the Consent and Capacity Board, the Ontario Parole Board, the Federal Parole Board or the Warden's Court	10
	(b) For all preparation before the first day of hearing before other quasi-judicial or administrative boards or tribunals	8
	(c) For all preparation before each subsequent day of hearing	2
	(d) For attendance at the hearing	No maximum
	(e) For preparation for the separate hearing of a second issue in a matter under the <i>Mental Health Act</i> , the <i>Substitute Decisions Act</i> , 1992 or the <i>Health Care Consent Act</i> , 1996	3
17.	H. OTHER MATTERS	
17.1	Wills	
	For all services in drawing a will, together with or without a power of attorney	4

**PART III
BLOCK FEES**

ITEM	COLUMN 1	COLUMN 2
	Description of Service	Block Fee
18.	Uncontested Divorces	
18.1	For an uncontested divorce proceeding, including preliminary attendances, opinion letters, preparing and issuing petition, service and all other necessary matters including correspondence, uncontested procedural motions, motion for judgment, discoveries, preparation for trial, setting down for trial, attendance at trial, where necessary, and all matters subsequent to trial, including obtaining a certificate for divorce	nil
18.2	If an order for costs is granted, for all services in taking out the judgment, including preparation of a bill of costs, attendance on the assessment of costs, obtaining the assignment of costs and filing execution	nil
18.3	In items 18.1 and 18.2, an uncontested divorce is one in which no claim is made for any relief which is in issue between the parties.	
19.	Uncontested Change of Name Applications	
19.1	For all services in an appeal from the refusal of an application for a change of name under the <i>Change of Name Act</i>	\$284
20.	Uncontested Adoption Applications	
20.1	For all services in an uncontested adoption application,	
	(a) if licence required	\$500
	(b) if licence not required	340
21.	Motions under the <i>Wages Act</i>	
21.1	For all services including preparation, drafting affidavits and other documents and attendances on the judge in a motion under section 7 of the <i>Wages Act</i>	\$112
22.	Small Claims Court	
22.1	If the amount involved is \$200 or less,	
	(a) for preparation of claim	\$34
	(b) for preparation of dispute	34
	(c) for attendance at trial	84
22.2	If the amount involved exceeds \$200 but does not exceed \$400,	
	(a) for preparation of claim	44
	(b) for preparation of dispute	44
	(c) for attendance at trial	112
22.3	If the amount involved exceeds \$400,	
	(a) for preparation of claim	56

ITEM	COLUMN 1	COLUMN 2
	Description of Service	Block Fee
	(b) for preparation of dispute	56
	(c) for attendance at trial	140
22.4	For all proceedings on an application for a consolidation order in the Small Claims Court including searches, affidavits, service, correspondence and attendances on the judge and clerk	140
22.5	For negotiating and drawing an agreement for the rateable distribution of payments by a debtor among the creditors	140
22.6	For receiving and distributing payments made pursuant to an agreement referred to in item 22.5, the fee is 6 per cent of the amount received.	

PART IV MISCELLANEOUS

ITEM	COLUMN 1
	Description of Service
23. Travel Time	
23.1	With the approval of the area director, travel time shall be allowed at the rate of \$43 per hour where a lawyer travels more than 50 kilometres, one way, from his or her office for an appearance as counsel on an adjournment, contested motion, examination for discovery, settlement conference, pre-trial hearing or trial on behalf of an applicant or where a lawyer necessarily travels more than 50 kilometres, one way, from his or her office to interview an applicant or witness.
23.2	An appeal from the decision of the area director lies to the area committee and a further appeal lies to the president.
23.3	Despite item 23.1, in appeals to the Ontario Court of Appeal and the Supreme Court of Canada and in appeals or judicial review applications in the Federal Court and in hearings before the Convention Refugee Determination Division of the Immigration and Refugee Board, travel time shall be allowed at the rate of \$43 per hour where a lawyer travels more than 50 kilometres, one way, from his or her office for an appearance as counsel on behalf of the applicant.
23.4	Travel time shall not be allowed where a lawyer travels within the following areas: <ol style="list-style-type: none"> 1. The Regional Municipality of Durham. 2. The part of the City of Toronto formerly known as the City of Etobicoke. 3. The Regional Municipality of Halton. 4. The part of the City of Toronto formerly known as the City of North York. 5. The Regional Municipality of Peel. 6. The part of the City of Toronto formerly known as the City of Scarborough. 7. The parts of the City of Toronto formerly known as the City of Toronto incorporated under the <i>City of Toronto Act, 1834</i>, the City of York and the Borough of East York.

ITEM	COLUMN 1
	Description of Service
	8. The Regional Municipality of York.
23.5	The fee allowed for travelling time within southern Ontario shall not exceed 30 per cent of the total fee allowed for the services rendered as settled by the legal accounts officer.
23.6	For the purposes of this Schedule, the dividing line between northern Ontario and southern Ontario is as follows: <p>Healy Lake (Municipal) Road from Healy Lake easterly to its junction with Highway 612; Highway 612 to Highway 103; Highway 103 easterly to its junction with Highway 69; Highway 69 easterly to its junction with Highway 118; Highway 118 through Bracebridge to its junction with Highway 11; Highway 11 northerly to its junction with Highway 60 at Huntsville; Highway 60 easterly to its junction with Highway 62 at Killaloe Station; Highway 62 to Pembroke; the above-named highways to be included in southern Ontario.</p>
24. Experience Allowances	
24.1	Fees set out in this Schedule are subject to an increase of 12.5 per cent for a lawyer who certifies that he or she has the equivalent of four years of practice in civil litigation.
24.2	Fees set out in this Schedule are subject to an increase of 25 per cent for a lawyer who certifies that he or she has the equivalent of 10 years of practice in litigation, including at least four years of practice in civil litigation.
24.3	For the purpose of this Schedule, <ol style="list-style-type: none"> (a) practice in litigation means practice in civil litigation or practice in criminal law; and (b) years of practice in civil litigation or litigation are calculated by multiplying the total number of years in practice by the percentage of the lawyer's practice that is civil litigation or litigation, as the case may be.
25. Other Matters	
25.1	In any matter referred to in subsection 25 (4) or (5) of the Act, the fee shall be in the discretion of the legal accounts officer who shall have regard to the importance and difficulty of the work.
25.2	The legal accounts officer may allow a fee in proper cases for any services rendered with respect to an application to an area committee under subsection 25 (4) or (5) of the Act when such services have been rendered at the request of and for the use of the area committee.
25.3	The legal accounts officer may allow a fee to a lawyer for the preparation of an opinion, for an additional opinion or for the lawyer's attendance to make further submissions when requested by the area committee or the area director.
25.4	For drawing documents, other than contracts, if the subject-matter or nature thereof is properly or customarily within the scope of the professional duties of a lawyer, the fee is \$67 per hour.
25.5	A lawyer shall be paid an administrative fee in the amount of one-half hour of the hourly rate upon signing and returning the acceptance and undertaking of a certificate.

Schedule 3

FEEs FOR LAWYERS PROVIDING

SERVICES OF LAW CLERKS,

ARTICLED STUDENTS AND INVESTIGATORS

ITEM	COLUMN 1	COLUMN 2
	Description	Fee
1.	Fees for law clerks, articulated students and investigators in the employ of the lawyer, per hour	\$23

NOTES

A. Where Schedules 1 and 2 provide a total fee for a particular service, the fee payable for the service shall include any services provided by any one or more of a law clerk, articulated student or investigator. Where all of the service has been provided by any one or more of such persons, the fee payable for the services is the lesser of the total fee calculated under Schedule 1 or 2 and the amount calculated under this Schedule.

B. Where Schedules 1 and 2 provide a maximum number of hours of preparation, any allowance for fees under this Schedule shall be considered as part of the total allowable fees and be included in the maximum. However, in applying the maximum, the hours billed under Schedules 1 and 2 shall be applied first.

Schedule 4

FEEs FOR DUTY COUNSEL

ITEM	COLUMN 1	COLUMN 2
	Description Service Provided	Rate Per Hour
1.	Subject to item 2, performance of duties as duty counsel under section 24 of Ontario Regulation 106/99, to a maximum of five hours	\$57
2.	With the approval of the area director, a travel allowance for the time spent travelling to and from the place where the lawyer's services are performed, where the distance is 50 kilometres or more, one way, and the lawyer satisfies the area director that the travel was reasonable and necessary under the circumstances	43
3.	Travel time shall not be allowed where a lawyer travels within the following areas: 1. The Regional Municipality of Durham. 2. The part of the City of Toronto formerly known as the City of Etobicoke. 3. The Regional Municipality of Halton. 4. The part of the City of Toronto formerly known as the City of North York. 5. The Regional Municipality of Peel.	

ITEM	COLUMN 1	COLUMN 2
	Description Service Provided	Rate Per Hour
	6. The part of the City of Toronto formerly known as the City of Scarborough. 7. The parts of the City of Toronto formerly known as the City of Toronto incorporated under the <i>City of Toronto Act, 1834</i> , the City of York and the Borough of East York. 8. The Regional Municipality of York.	

NOTES

- A. Subject to clause 3 (1) (b) of this Regulation, duty counsel are entitled to payment for services provided when scheduled.
- B. On the recommendation of the area director and with the approval of the president, the maximum number of hours permitted under item 1 may be increased.
- C. If the board is of the opinion that special circumstances apply, duty counsel providing services in remote areas of northern Ontario may be paid at a daily rate of \$800 rather than the hourly rate in this Schedule.
- D. For the purposes of Note C, the dividing line between northern Ontario and southern Ontario is the same as is set out in item 13.6 of the Table to Schedule 1.
- E. In addition to the hourly fees payable under this Schedule, a duty counsel shall be paid an appearance fee of,
- (a) \$40 per day per court for an appearance in the family court, criminal court or young offenders court;
- (b) \$40 per day per location for an attendance at a jail, a mental hospital or a legal advice location;
- (c) \$40 per authorization for providing family violence advice up to a maximum of one authorization per day; and
- (d) \$40 per authorization for acting as a special duty counsel up to a maximum of one authorization per day.

Schedule 5

FEEs OF ADVICE LAWYERS

ITEM	COLUMN 1	COLUMN 2
	Description Service Provided	Rate Per Hour
1.	Interviews and advice to applicants including any necessary correspondence, up to a maximum of three hours	\$57

Schedule 6

DISBURSEMENTS

1. A lawyer who has provided services to an applicant is entitled to be paid the following out-of-pocket disbursements actually and reasonably incurred:
1. Disbursements, not being witness fees, required to be made by or under any statute.

2. Witness fees and travelling expenses of witnesses in accordance with statute, rule or regulation applicable to the proceeding and if no provision is applicable, then in accordance with the *Rules of Civil Procedure* in civil matters and the *Administration of Justice Act* in criminal matters.
3. With the prior approval of the president or the legal accounts officer, the services of a person entitled by law or practice to give expert or opinion evidence may be engaged and the reasonable and proper fees paid therefor at the rate specified by the legal accounts officer in the authorization.
4. Fees payable to a court reporter for a transcript of evidence or reasons for judgment for use on an appeal authorized by a certificate.
5. A lawyer's travelling expenses where the distance travelled is 50 kilometres or more, one way, from his or her office to the place where his or her duties are performed and where travel time has been approved by the area director or is permitted under Schedule 1, item 13, Schedule 2, item 23 or Schedule 4, item 2.
6. Long distance telephone and telecommunication charges.
7. The actual cost of copies of documents purchased from a court office or from the office of a government or government agency and in any other case, 10 cents for each page.
8. Postage, express or courier charges on the shipment of parcels of documents, transcripts of evidence or exhibits for use on an application or on an appeal and in any other case, courier and express charges to a maximum of \$20.

13/99

9. With the approval of the president or the legal accounts officer, any other proper disbursement, including any deposit or other payment that may be required, made in furtherance of the proceeding or matter, which approval shall, except in an emergency, be obtained before the disbursement is made.

ONTARIO REGULATION 108/99
made under the
HEALTH INSURANCE ACT

Made: March 10, 1999
Filed: March 11, 1999

Amending Reg. 552 of R.R.O. 1990
(General)

Note: Since the end of 1997, Regulation 552 has been amended by Ontario Regulations 2/98, 44/98, 87/98, 111/98, 145/98, 146/98, 147/98, 172/98, 236/98, 375/98, 376/98, 377/98, 378/98, 478/98, 479/98, 528/98, 567/98, 575/98, 58/99, 59/99, 60/99 and 85/99. Previous amendments are listed in the Table of Regulations in the Statutes of Ontario, 1997.

1. Item 59 of Part I of Schedule 5 to Regulation 552 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

59. Scarborough Yee Hong Rehabilitation Centre

13/99

ONTARIO REGULATION 109/99
made under the
FRENCH LANGUAGE SERVICES ACT

Made: March 10, 1999
Filed: March 11, 1999

Amending O. Reg. 398/93
(Designation of Public Service Agencies)

Note: Since the end of 1997, Ontario Regulation 398/93 has been amended by Ontario Regulation 100/98. Previous amendments are listed in the Table of Regulations in the Statutes of Ontario, 1997.

1. Section 1 of Ontario Regulation 398/93 is amended by adding the following designation:

Clinique juridique bilingue Windsor-Essex/Windsor-Essex Bilingual Legal Clinic in respect of the programs carried out on behalf of the Ministry of the Attorney General.

13/99

RÈGLEMENT DE L'ONTARIO 109/99
pris en application de la
LOI SUR LES SERVICES EN FRANÇAIS

pris le 10 mars 1999
déposé le 11 mars 1999

modifiant le Règl. de l'Ont. 398/93
(Désignation d'organismes offrant des services publics)

Remarque : Depuis la fin de 1997, le Règlement de l'Ontario 398/93 a été modifié par le Règlement de l'Ontario 100/98. Les modifications antérieures sont indiquées dans la Table des règlements figurant dans les Lois de l'Ontario de 1997.

1. L'article 1 du Règlement de l'Ontario 398/93 est modifié par adjonction de la désignation suivante :

Clinique juridique bilingue Windsor-Essex/Windsor-Essex Bilingual Legal Clinic à l'égard des programmes exécutés pour le compte du ministère du Procureur général.

ONTARIO REGULATION 110/99
made under the
PESTICIDES ACT

Made: March 10, 1999
Filed: March 12, 1999

Amending Reg. 914 of R.R.O. 1990
(General)

Note: Since the end of 1997, Regulation 914 has been amended by Ontario Regulations 129/98, 405/98, 482/98 and 484/98. Previous amendments are listed in the Table of Regulations in the Statutes of Ontario, 1997.

1. Subsections 2 (3) and (4) of Regulation 914 of the Revised Regulations of Ontario, 1990 are revoked.

2. Subsection 20.1 (9) of the Regulation is amended by inserting "or the *Fertilizers Act* (Canada)" after "*Pest Control Products Act* (Canada)" in the sixth line.

3. Section 21 of the Regulation is revoked and the following substituted:

21. (1) In this section,
"registrant", with respect to a pesticide, means the person who registers the pesticide under the *Pest Control Products Act* (Canada) or the *Fertilizers Act* (Canada), and includes the Canadian agent for the registrant of the pesticide under the *Pest Control Products Act* (Canada).

(2) The Committee shall accept and consider an application from a registrant for the classification of a pesticide.

(3) Subject to subsection (4), the Committee shall classify the pesticide as a Schedule 1, 2, 3, 4, 5 or 6 pesticide, as it considers appropriate having regard to the Act and the scheme of this Regulation.

(4) The Committee may refuse to classify the pesticide if it is of the opinion that,

- (a) the Committee does not have sufficient information on which to base a decision;
- (b) proper use of the pesticide, as described on its label and in accordance with the Act and this Regulation, is likely to have one or more of the effects mentioned in clauses 49 (3) (a), (b), (c), (d), (e) and (f) of the Act, to an extent that is excessive, unreasonable or unnecessary; or
- (c) it is not in the public interest to classify the pesticide.

(5) The Committee may reclassify a pesticide if it considers it appropriate to do so having regard to the Act and the scheme of this Regulation,

- (a) at the request of the registrant;
 - (b) with the consent of the registrant; or
 - (c) after the Committee has notified the registrant and considered any submissions made by the registrant.
- (6) The Committee may declassify a pesticide if it considers it appropriate to do so having regard to the Act and the scheme of this Regulation,

- (a) at the request of the registrant; or

- (b) with the consent of the registrant.
- (7) The Committee may declassify a pesticide,
- (a) if the pesticide is no longer registered under the *Pest Control Products Act* (Canada) or the *Fertilizers Act* (Canada); or
 - (b) for any of the reasons described in subsection (4), after the Committee has notified the registrant of newly available scientific or other information and considered any submissions made by the registrant.

(8) The Committee shall maintain a written record called the "Compendium of Scheduled Pesticides" that sets out, for every scheduled pesticide,

- (a) the name of the pesticide;
- (b) the pesticide's registration number under the *Pest Control Products Act* (Canada) or the *Fertilizers Act* (Canada);
- (c) the name and address of the registrant, including, if the pesticide is registered under the *Pest Control Products Act* (Canada), the name and address of the Canadian agent; and
- (d) the schedule to which the pesticide has been classified.

(9) If the name or other identifying information of a pesticide in the Compendium of Scheduled Pesticides does not correspond to the name or other identifying information of the pesticide for the same registration number under the *Pest Control Products Act* (Canada) or the *Fertilizers Act* (Canada), as the case may be, the pesticide shall be deemed to be the pesticide named under that Act for the registration number that appears in the Compendium of Scheduled Pesticides.

(10) A pesticide that was a Schedule 1, 2, 3, 4, 5 or 6 pesticide before April 1, 1999 shall be deemed to continue as a Schedule 1, 2, 3, 4, 5 or 6 pesticide, as the case may be, subject to reclassification under subsection (5) or declassification under subsections (6) or (7).

(11) Subject to subsection (10), a pesticide that was listed in *The Ontario Gazette* during the 18 months before April 1, 1999 as a proposed addition to a specified Schedule to this Regulation shall be deemed to be a pesticide of that Schedule, subject to reclassification under subsection (5) or declassification under subsections (6) or (7).

(12) Subsection (11) does not apply if a revocation of the listing was published in *The Ontario Gazette* before April 1, 1999.

(13) The Committee shall maintain written records of all amendments to the Compendium of Scheduled Pesticides.

(14) The Committee shall make the Compendium of Scheduled Pesticides and the records of amendments to it available for inspection by the public at the office of the Committee during ordinary business hours, and on the Internet, through the web site of the Ministry of the Environment at www.ene.gov.on.ca.

(15) The Committee shall make available for distribution to the public, on request, printed copies of the Compendium of Scheduled Pesticides and the records of amendments to it.

4. Section 131 of the Regulation is revoked.

5. Tables 1 and 2 and Schedules 1, 2, 3, 4, 5 and 6 to the Regulation are revoked.

6. Form 11 of the Regulation is revoked.

7. This Regulation comes into force on April 1, 1999.

ONTARIO REGULATION 111/99
made under the
SOCIAL HOUSING FUNDING ACT, 1997

Made: March 10, 1999
Filed: March 12, 1999

Amending O. Reg. 488/97
(General)

Note: Ontario Regulation 488/97 has previously been amended by Ontario Regulations 101/98, 170/98, 267/98, 281/98, 456/98, 636/98 and 44/99.

1. (1) Section 2 of Ontario Regulation 488/97 is amended by adding the following paragraphs:

- 2.1 District of Kenora Social Services Administration Board.
- 2.2 District of Manitoulin-Sudbury Social Services Administration Board.

(2) Paragraph 7 of section 2 of the Regulation is revoked and the following substituted:

- 7. District of Thunder Bay Social Services Administration Board.

2. (1) Section 4 of the Regulation is amended by adding the following subsection:

(1.1) Despite subsection (1), provincial social housing costs mentioned in subsection (1) that are paid by the Minister in January of a year shall be deemed to be incurred in the January billing period of that year.

(2) Subsection 4 (2) of the Regulation is amended by striking out "Despite subsection (1)" at the beginning and substituting "Despite subsections (1) and (1.1)".

(3) Section 4 of the Regulation is amended by adding the following subsection:

(5.1) Despite subsection (5), provincial social housing costs mentioned in subsection (5) that are paid by the Minister under the Ontario Community Housing Assistance Program in January of a year shall be deemed to be incurred in the January billing period of that year.

(4) Subsection 4 (6) of the Regulation is amended by striking out "Despite subsection (5)" at the beginning and substituting "Despite subsections (5) and (5.1)".

3. (1) Subsections 6 (1) and (1.1) of the Regulation are revoked and the following substituted:

(1) Subject to subsections (1.1) and (2) and section 7.6, provincial social housing costs to be recovered from an entity are the costs incurred or to be incurred in a billing period with respect to housing within the geographic area over which the entity has jurisdiction.

(1.1) Despite section 7.6, the provincial social housing costs to be recovered from each of the following entities are the costs incurred or to be incurred in a billing period with respect to housing within the geographic area for which the entity is the delivery agent under Ontario Regulation 136/98:

- 1. The Regional Municipality of Haldimand-Norfolk.
- 2. The Regional Municipality of Hamilton-Wentworth.
- 3. The Regional Municipality of Niagara.

4. The Regional Municipality of Ottawa-Carleton.

5. The Regional Municipality of Sudbury.

6. The Regional Municipality of Waterloo.

7. The District Municipality of Muskoka.

8. City of Brantford.

9. County of Bruce.

10. Municipality of Chatham-Kent.

11. City of Cornwall.

12. County of Dufferin.

13. County of Grey.

14. County of Hastings.

15. County of Huron.

16. City of Kingston.

17. County of Lambton.

18. County of Lanark.

19. United Counties of Leeds and Grenville.

20. County of Lennox and Addington.

21. City of London.

22. County of Northumberland.

23. County of Oxford.

24. City of Peterborough.

25. United Counties of Prescott and Russell.

26. County of Renfrew.

27. County of Simcoe.

28. City of Stratford.

29. City of St. Thomas.

30. County of Victoria.

31. County of Wellington.

32. City of Windsor.

33. District of Algoma Social Services Administration Board.

34. District of Cochrane Social Services Administration Board.

35. District of Kenora Social Services Administration Board.

36. District of Manitoulin-Sudbury Social Services Administration Board.

37. District of Nipissing Social Services Administration Board.

38. District of Parry Sound Social Services Administration Board.

39. District of Rainy River Social Services Administration Board.

40. District of Sault Ste. Marie Social Services Administration Board.

41. District of Thunder Bay Social Services Administration Board.

42. District of Timiskaming Social Services Administration Board.

(2) Subsections 6 (3) and (5) of the Regulation are revoked.

4. Tables 2, 3, 4, 10, 11, 17, 21 and 22 to the Regulation are revoked.

5. (1) The Schedule to the Regulation is amended by striking out "Adjustment Into Society Incorporated", "House of Compassion of Toronto", "St. Matthew's House" and "Velleman Non-Profit Housing Corporation".

(2) The Schedule to the Regulation is further amended by adding the following items:

Accommodation, Information and Support, Inc.

Plainfield Non-Profit Housing Corp.

6. The Regulation, as it read immediately before April 1, 1999, continues to apply to the recovery of provincial social housing costs in respect of billing periods that end before April 1, 1999.

7. This Regulation comes into force on April 1, 1999.

13/99

ONTARIO REGULATION 112/99
made under the
DISTRICT SOCIAL SERVICES ADMINISTRATION
BOARDS ACT

Made: March 10, 1999

Filed: March 12, 1999

Amending O. Reg. 278/98
(General)

Note: Ontario Regulation 278/98 has previously been amended by Ontario Regulation 37/99.

1. (1) The definition of "weighted assessment" in subsection 6 (1) of Ontario Regulation 278/98 is revoked and the following substituted:

"weighted assessment" means,

(a) with respect to property that is in a subclass to which section 368.1 of the *Municipal Act* applies, the taxable assessment for the property, as reduced by the percentage reduction that applies with respect to that assessment under section 368.1 of the *Municipal Act* and multiplied by the tax ratio of the property class that the property is in, and

(b) in all other cases, the taxable assessment for a property multiplied by the tax ratio of the property class that the property is in.

(2) Section 6 of the Regulation is amended by adding the following subsection:

(2.1) The costs of social services attributable to the areas of the board under subsection (2) include only those costs for which the board is responsible.

2. (1) The Regulation is amended by adding the following Schedules:

Schedule 2.1

THE DISTRICT OF KENORA SOCIAL SERVICES
ADMINISTRATION BOARD

1. The district for the District of Kenora Social Services Administration Board is the District of Kenora.

2. The District of Kenora Social Services Administration Board shall consist of 15 members and the areas they represent and the manner of their appointment shall be as follows:

1. Area 1 is the area of jurisdiction of The Corporation of the City of Dryden and one member shall be appointed by its municipal council to represent Area 1.

2. Area 2 is the area of jurisdiction of The Corporation of the Town of Jaffray Melick and one member shall be appointed by its municipal council to represent Area 2.

3. Area 3 is the area of jurisdiction of The Corporation of the Town of Keewatin and one member shall be appointed by its municipal council to represent Area 3.

4. Area 4 is the area of jurisdiction of The Corporation of the Town of Kenora and one member shall be appointed by its municipal council to represent Area 4.

5. Area 5 is the area of jurisdiction of The Corporation of the Town of Sioux Lookout and one member shall be appointed by its municipal council to represent Area 5.

6. Area 6 is the area of jurisdiction of The Corporation of the Township of Ear Falls and one member shall be appointed by its municipal council to represent Area 6.

7. Area 7 is the area of jurisdiction of The Corporation of the Township of Ignace and one member shall be appointed by its municipal council to represent Area 7.

8. Area 8 is the area of jurisdiction of The Corporation of the Township of Machin and one member shall be appointed by its municipal council to represent Area 8.

9. Area 9 is the area of jurisdiction of The Corporation of the Township of Pickle Lake and one member shall be appointed by its municipal council to represent Area 9.

10. Area 10 is the area of jurisdiction of The Corporation of the Municipality of Red Lake and one member shall be appointed by its municipal council to represent Area 10.

11. Area 11 is the area of jurisdiction of The Corporation of the Township of Sioux Narrows and one member shall be appointed by its municipal council to represent Area 11.

12. Area 12 is that part of the territory without municipal organization within the district for the District of Kenora Social Services Administration Board that is described as follows and one member shall be selected jointly by the residents of that area to represent Area 12:

Madsen Electoral Area which takes in all the unincorporated area easterly from the western intersection of the 11th baseline and the Manitoba border to the intersection of the Thunder Bay District; thence, southerly along the Thunder Bay District western boundary until the intersection of a line of latitude drawn across the northern border of Grand Trunk Block 10; thence, westerly along the line of latitude drawn across the northern border of Grand Trunk Block 10 to the Manitoba border; thence,

northerly along the Manitoba border to the intersection of the 11th baseline.

13. Area 13 is that part of the territory without municipal organization within the district for the District of Kenora Social Services Administration Board that is described as follows and one member shall be selected jointly by the residents of that area to represent Area 13:

Oxdrift Electoral Area which takes in all the unincorporated area southerly from the intersection of the southern border of the Madsen Area and the western boundary of the Thunder Bay District to the northern boundary of the Rainy River District; thence, westerly along the northern boundary of the Rainy River District to the intersection of a line of longitude drawn to travel along the western boundary of Bridges Township; thence, northerly along the line of longitude drawn to travel along the western boundary of Bridges Township to the intersection of the southern boundary of the Madsen Area; thence, easterly along the southern boundary of the Madsen Area to the intersection of the western boundary of the Thunder Bay District.

14. Area 14 is that part of the territory without municipal organization within the district for the District of Kenora Social Services Administration Board that is described as follows and one member shall be selected jointly by the residents of that area to represent Area 14:

Lake of the Woods North Area which takes in all the unincorporated area easterly from the Manitoba border along the southern boundary of the Madsen Area to the intersection of the western boundary of the Oxdrift Area; thence, southerly along the western boundary of the Oxdrift Area to the intersection of the north side of Highway 17; thence, westerly along the north side of Highway 17 to the intersection of the Manitoba border; thence, northerly along the Manitoba border to the intersection of the southern boundary of the Madsen Area.

15. Area 15 is that part of the territory without municipal organization within the district for the District of Kenora Social Services Administration Board that is described as follows and one member shall be selected jointly by the residents of that area to represent Area 15:

Lake of the Woods South Area which takes in all the unincorporated area easterly from the Manitoba border along the south side of Highway 17 to the intersection of the western boundary of the Oxdrift Area; thence, southerly along the western boundary of the Oxdrift Area to the intersection of the northern boundary of the Rainy River District; thence, westerly along the northern boundary of the Rainy River District to the Manitoba border; thence, northerly along the Manitoba border to the intersection of the south side of Highway 17, excluding areas annexed to The Corporation of the Township of Lake of the Woods and the Nestor Falls Local Services Board.

Schedule 2.2

THE DISTRICT OF SUDBURY-MANITOULIN SOCIAL SERVICES ADMINISTRATION BOARD

1. The district for the District of Sudbury-Manitoulin Social Services Administration Board is the District of Manitoulin and that part of the District of Sudbury that does not include the area of jurisdiction of The Corporation of the Regional Municipality of Sudbury.

2. The District of Sudbury-Manitoulin Social Services Administration Board shall consist of 14 members and the areas they represent and the manner of their appointment shall be as follows:

1. Area 1 is the area of jurisdiction of The Corporation of the Town of Espanola and two members shall be appointed by its municipal council to represent Area 1.
2. Area 2 is the area of jurisdiction of the following municipalities and two members shall be appointed jointly by the municipal councils of those municipalities to represent Area 2:
 - i. The Corporation of the Township of Sables-Spanish Rivers.
 - ii. The Corporation of the Township of Baldwin.
 - iii. The Corporation of the Township of Nairn and Hyman.
3. Area 3 is the area of jurisdiction of the following municipalities and three members shall be appointed jointly by the municipal councils of those municipalities to represent Area 3:
 - i. The Corporation of the Municipality of Markstay-Warren.
 - ii. The Corporation of the Municipality of St.-Charles.
 - iii. The Corporation of the Municipality of French River.
 - iv. The Corporation of the Municipality of Killarney.
4. Area 4 is the area of jurisdiction of The Corporation of the Township of Chapleau and one member shall be appointed by its municipal council to represent Area 4.
5. Area 5 is the area of jurisdiction of the following municipalities and one member shall be appointed jointly by the municipal councils of those municipalities to represent Area 5:
 - i. The Corporation of the Township of Cockburn Island.
 - ii. The Corporation of the Township of Barrie Island.
 - iii. The Corporation of the Township of Burpee and Mills.
 - iv. The Corporation of the Township of Gordon.
 - v. The Corporation of the Town of Gore Bay.
 - vi. The Corporation of the Township of Billings.
6. Area 6 is the area of jurisdiction of the following municipalities and two members shall be appointed jointly by the municipal councils of those municipalities to represent Area 6:
 - i. The Corporation of the Township of Central Manitoulin.
 - ii. The Corporation of the Township of Tehkummah.
 - iii. The Corporation of the Town of Northeast Manitoulin and The Islands.
 - iv. The Corporation of the Township of Assignack.
7. Area 7 is the territory without municipal organization within the district for the District of Sudbury-Manitoulin District Social Services Administration Board and three members shall be selected by the residents of that territory to represent Area 7.

(2) Schedule 6 to the Regulation is revoked and the following substituted:

Schedule 6

THE DISTRICT OF THUNDER BAY SOCIAL SERVICES ADMINISTRATION BOARD

1. The district for the Thunder Bay Social Services Administration Board is the District of Thunder Bay.

2. The District of the Thunder Bay Social Services Administration Board shall consist of 13 members and the areas they represent and the manner of their appointment shall be as follows:

1. One member at large shall be appointed by the Lieutenant Governor in Council.
2. Area 1 is the area of jurisdiction of the following municipalities and one member shall be appointed jointly by the municipal councils of those municipalities to represent Area 1:
 - i. The Corporation of the Municipality of Oliver Paipoonge.
 - ii. The Corporation of the Township of Shuniah.
 - iii. The Corporation of the Township of O'Connor.
 - iv. The Corporation of the Municipality of Neebing.
 - v. The Corporation of the Township of Conmee.
 - vi. The Corporation of the Township of Gillies.
3. Area 2 is the area of jurisdiction of the following municipalities and one member shall be appointed jointly by the municipal councils of those municipalities to represent Area 2:
 - i. The Corporation of the Township of Nipigon.
 - ii. The Corporation of the Township of Red Rock.
 - iii. The Corporation of the Township of Dorion.
4. Area 3 is the area of jurisdiction of the following municipalities and one member shall be appointed jointly by the municipal councils of those municipalities to represent Area 3:
 - i. The Corporation of the Town of Geraldton.
 - ii. The Corporation of the Town of Longlac.
 - iii. The Corporation of the Township of Beardmore.
 - iv. The Corporation of the Township of Nakina.

5. Area 4 is the area of jurisdiction of the following municipalities and one member shall be appointed jointly by the municipal councils of those municipalities to represent Area 4:

- i. The Corporation of the Township of Terrace Bay.
- ii. The Corporation of the Township of Schreiber.

6. Area 5 is the area of jurisdiction of the following municipalities and one member shall be appointed jointly by the municipal councils of those municipalities to represent Area 5:

- i. The Corporation of the Town of Marathon.
- ii. The Corporation of the Township of Manitouwadge.

7. Area 6 is the area of jurisdiction of The Corporation of the City of Thunder Bay and six members shall be appointed by the municipal council of The Corporation of the City of Thunder Bay to represent Area 6.

8. Area 7 is the territory without municipal organization within the district for the District of Thunder Bay Social Services Administration Board and one member shall be selected by the residents of that territory to represent Area 7.

3. In 1999, the day by which the following boards must give the notice required under subsection 7 (1) of the Regulation shall be June 30 rather than March 31:

1. The District of Kenora Social Services Administration Board.
2. The District of Sudbury-Manitoulin Social Services Administration Board.
3. The District of Thunder Bay Social Services Administration Board.

4. This Regulation comes into force on April 1, 1999.

13/99

ONTARIO REGULATION 113/99
made under the
ONTARIO WORKS ACT, 1997

Made: March 4, 1999
Filed: March 12, 1999

Amending O. Reg. 136/98
(Designation of Geographic Areas and Delivery Agents)

Note: Ontario Regulation 136/98 has previously been amended by Ontario Regulations 279/98, 544/98, 545/98 and 33/99.

1. Schedule 1 to Ontario Regulation 136/98 is revoked and the following substituted:

RÈGLEMENT DE L'ONTARIO 113/99
pris en application de la
LOI DE 1997 SUR LE PROGRAMME
ONTARIO AU TRAVAIL

pris le 4 mars 1999
déposé le 12 mars 1999

modifiant le Règl. de l'Ont. 136/98
(Désignation de zones géographiques et d'agents de présentations des services)

Remarque : Le Règlement de l'Ontario 136/98 a été modifié antérieurement par les Règlements de l'Ontario 279/98, 544/98, 545/98 et 33/99.

1. L'annexe 1 du Règlement de l'Ontario 136/98 est abrogée et remplacée par ce qui suit :

Schedule 1

ITEM	COLUMN 1	COLUMN 2
	Geographic Areas	Delivery Agents
1.	City of Toronto	City of Toronto
2.	Regional Municipality of Durham	Regional Municipality of Durham
3.	Regional Municipality of Haldimand-Norfolk	Regional Municipality of Haldimand-Norfolk
4.	Regional Municipality of Halton	Regional Municipality of Halton
5.	Regional Municipality of Hamilton-Wentworth	Regional Municipality of Hamilton-Wentworth
6.	Regional Municipality of Niagara	Regional Municipality of Niagara
7.	Regional Municipality of Ottawa-Carleton	Regional Municipality of Ottawa-Carleton
8.	Regional Municipality of Peel	Regional Municipality of Peel
9.	Regional Municipality of Sudbury	Regional Municipality of Sudbury
10.	Regional Municipality of Waterloo	Regional Municipality of Waterloo
11.	Regional Municipality of York	Regional Municipality of York
12.	District Municipality of Muskoka	District Municipality of Muskoka
13.	County of Brant and City of Brantford	City of Brantford
14.	County of Bruce	County of Bruce
15.	Municipality of Chatham-Kent	Municipality of Chatham-Kent
16.	County of Dufferin	County of Dufferin
17.	City of St. Thomas and County of Elgin	City of St. Thomas
18.	City of Windsor, County of Essex and Township of Pelee	City of Windsor
19.	Frontenac Management Board and City of Kingston	City of Kingston
20.	County of Grey and City of Owen Sound	County of Grey
21.	County of Hastings, City of Belleville and City of Quinte West	County of Hastings
22.	County of Huron	County of Huron
23.	County of Lambton	County of Lambton
24.	County of Lanark and Town of Smith Falls	County of Lanark

Annexe 1

NUMÉRO	COLONNE 1	COLONNE 2
	Zones géographiques	Agents de prestation des services
1.	Cité de Toronto	Cité de Toronto
2.	Municipalité régionale de Durham	Municipalité régionale de Durham
3.	Municipalité régionale de Haldimand-Norfolk	Municipalité régionale de Haldimand-Norfolk
4.	Municipalité régionale de Halton	Municipalité régionale de Halton
5.	Municipalité régionale de Hamilton-Wentworth	Municipalité régionale de Hamilton-Wentworth
6.	Municipalité régionale de Niagara	Municipalité régionale de Niagara
7.	Municipalité régionale d'Ottawa-Carleton	Municipalité régionale d'Ottawa-Carleton
8.	Municipalité régionale de Peel	Municipalité régionale de Peel
9.	Municipalité régionale de Sudbury	Municipalité régionale de Sudbury
10.	Municipalité régionale de Waterloo	Municipalité régionale de Waterloo
11.	Municipalité régionale de York	Municipalité régionale de York
12.	Municipalité de district de Muskoka	Municipalité de district de Muskoka
13.	Comté de Brant et Cité de Brantford	Cité de Brantford
14.	Comté de Bruce	Comté de Bruce
15.	Municipalité de Chatham-Kent	Municipalité de Chatham-Kent
16.	Comté de Dufferin	Comté de Dufferin
17.	Cité de St. Thomas et Comté d'Elgin	Cité de St. Thomas
18.	Cité de Windsor, Comté d'Essex et Canton de Pelee	Cité de Windsor
19.	Conseil de gestion de Frontenac et Cité de Kingston	Cité de Kingston
20.	Comté de Grey et Cité d'Owen Sound	Comté de Grey
21.	Comté de Hastings, Cité de Belleville et Cité de Quinte West	Comté de Hastings
22.	Comté de Huron	Comté de Huron
23.	Comté de Lambton	Comté de Lambton
24.	Comté de Lanark et Ville de Smith Falls	Comté de Lanark

ITEM	COLUMN 1	COLUMN 2
	Geographic Areas	Delivery Agents
25.	United Counties of Leeds and Grenville, City of Brockville, Town of Gananoque and Town of Prescott	United Counties of Leeds and Grenville
26.	County of Lennox and Addington and County of Prince Edward	County of Lennox and Addington
27.	City of London and County of Middlesex	City of London
28.	County of Northumberland	County of Northumberland
29.	County of Oxford	County of Oxford
30.	County of Perth, City of Stratford and Town of St. Mary's	City of Stratford
31.	County of Peterborough and City of Peterborough	City of Peterborough
32.	County of Prescott and Russell	County of Prescott and Russell
33.	County of Renfrew, including the City of Pembroke	County of Renfrew
34.	County of Simcoe, City of Barrie and City of Orillia	County of Simcoe
35.	City of Cornwall and County of Stormont, Dundas and Glengarry	City of Cornwall
36.	County of Victoria and County of Haliburton	County of Victoria
37.	County of Wellington and City of Guelph	County of Wellington
38.	The district described in Ontario Regulation 278/98 for the District of Algoma Social Services Administration Board	District of Algoma Social Services Administration Board
39.	The district described in Ontario Regulation 278/98 for the District of Sault Ste. Marie Social Services Administration Board	District of Sault Ste. Marie Social Services Administration Board
40.	The district described in Ontario Regulation 278/98 for the District of Cochrane Social Services Administration Board	District of Cochrane Social Services Administration Board

NUMÉRO	COLONNE 1	COLONNE 2
	Zones géographiques	Agents de prestation des services
25.	Comtés unis de Leeds et Grenville, Cité de Brockville, Ville de Gananoque et Ville de Prescott	Comtés unis de Leeds et Grenville
26.	Comté de Lennox et Addington et Comté de Prince Edward	Comté de Lennox et Addington
27.	Cité de London et Comté de Middlesex	Cité de London
28.	Comté de Northumberland	Comté de Northumberland
29.	Comté d'Oxford	Comté d'Oxford
30.	Comté de Perth, Cité de Stratford et Ville de St. Mary's	Cité de Stratford
31.	Comté de Peterborough et Cité de Peterborough	Cité de Peterborough
32.	Comté de Prescott et Russell	Comté de Prescott et Russell
33.	Comté de Renfrew, y compris la Cité de Pembroke	Comté de Renfrew
34.	Comté de Simcoe, Cité de Barrie et Cité d'Orillia	Comté de Simcoe
35.	Cité de Cornwall et Comté de Stormont, Dundas et Glengarry	Cité de Cornwall
36.	Comté de Victoria et Comté de Haliburton	Comté de Victoria
37.	Comté de Wellington et Cité de Guelph	Comté de Wellington
38.	District que le Règlement de l'Ontario 278/98 désigne comme district que sert le conseil d'administration des services sociaux du district d'Algoma	Conseil d'administration des services sociaux du district d'Algoma
39.	District que le Règlement de l'Ontario 278/98 désigne comme district que sert le conseil d'administration des services sociaux du district de Sault Ste. Marie	Conseil d'administration des services sociaux du district de Sault Ste. Marie
40.	District que le Règlement de l'Ontario 278/98 désigne comme district que sert le conseil d'administration des services sociaux du district de Cochrane	Conseil d'administration des services sociaux du district de Cochrane

ITEM	COLUMN 1	COLUMN 2
	Geographic Areas	Delivery Agents
41.	The district described in Ontario Regulation 278/98 for the District of Kenora Social Services Administration Board	District of Kenora Social Services Administration Board
42.	The district described in Ontario Regulation 278/98 for the District of Sudbury-Manitoulin Social Services Administration Board	District of Sudbury-Manitoulin Social Services Administration Board
43.	The district described in Ontario Regulation 278/98 for the District of Nipissing Social Services Administration Board	District of Nipissing Social Services Administration Board
44.	The district described in Ontario Regulation 278/98 for the District of Parry Sound Social Services Administration Board	District of Parry Sound Social Services Administration Board
45.	The district described in Ontario Regulation 278/98 for the District of Rainy River Social Services Administration Board	District of Rainy River Social Services Administration Board
46.	The district described in Ontario Regulation 278/98 for the District of Thunder Bay Social Services Administration Board	District of Thunder Bay Social Services Administration Board
47.	The district described in Ontario Regulation 278/98 for the District of Timiskaming Social Services Administration Board	District of Timiskaming Social Services Administration Board

2. This Regulation comes into force on April 1, 1999.

JANET ECKER
Minister of Community and Social Services

Dated on March 4, 1999.

NUMÉRO	COLONNE 1	COLONNE 2
	Zones géographiques	Agents de prestation des services
41.	District que le Règlement de l'Ontario 278/98 désigne comme district que sert le conseil d'administration des services sociaux du district de Kenora	Conseil d'administration des services sociaux du district de Kenora
42.	District que le Règlement de l'Ontario 278/98 désigne comme district que sert le conseil d'administration des services sociaux du district de Sudbury-Manitoulin	Conseil d'administration des services sociaux du district de Sudbury-Manitoulin
43.	District que le Règlement de l'Ontario 278/98 désigne comme district que sert le conseil d'administration des services sociaux du district de Nipissing	Conseil d'administration des services sociaux du district de Nipissing
44.	District que le Règlement de l'Ontario 278/98 désigne comme district que sert le conseil d'administration des services sociaux du district de Parry Sound	Conseil d'administration des services sociaux du district de Parry Sound
45.	District que le Règlement de l'Ontario 278/98 désigne comme district que sert le conseil d'administration des services sociaux du district de Rainy River	Conseil d'administration des services sociaux du district de Rainy River
46.	District que le Règlement de l'Ontario 278/98 désigne comme district que sert le conseil d'administration des services sociaux du district de Thunder Bay	Conseil d'administration des services sociaux du district de Thunder Bay
47.	District que le Règlement de l'Ontario 278/98 désigne comme district que sert le conseil d'administration des services sociaux du district de Timiskaming	Conseil d'administration des services sociaux du district de Timiskaming

2. Le présent règlement entre en vigueur le 1^{er} avril 1999.

JANET ECKER
Ministre des Services sociaux et communautaires

Fait le 4 mars 1999.

ONTARIO REGULATION 114/99
made under the
COURTS OF JUSTICE ACT

Made: March 3, 1999
Approved: March 10, 1999
Filed: March 11, 1999

FAMILY LAW RULES

This Regulation will appear in the April 3, 1999 issue of *The Ontario Gazette*.

13/99

ONTARIO REGULATION 115/99
made under the
ELECTRICITY ACT, 1998

Made: March 10, 1999
Filed: March 12, 1999

FINANCIAL CORPORATION

NAME CHANGES

1. On the day that subsection 54 (1) of the Act comes into force, the name of the Ontario Hydro Financial Corporation is changed to Ontario Electricity Financial Corporation in English and Société financière de l'industrie de l'électricité de l'Ontario in French.

2. (1) On the day that subsection 54 (1) of the Act comes into force, the name of the Ontario Hydro Financial Corporation Pension Plan is changed to Ontario Electricity Financial Corporation Pension Plan in English and Régime de retraite de la Société financière de l'industrie de l'électricité de l'Ontario in French.

(2) On the day that subsection 54 (1) of the Act comes into force, the name of the Ontario Hydro Financial Corporation Pension Fund is changed to Ontario Electricity Financial Corporation Pension Fund in English and Caisse de retraite de la Société financière de l'industrie de l'électricité de l'Ontario in French.

APPLICATION OF CERTAIN STATUTORY PROVISIONS

3. (1) The following provisions of the *Business Corporations Act* apply, with necessary modifications, to the Financial Corporation:

1. Section 16 (capacity to act outside Ontario).
2. Subsections 126 (3) and (4) (quorum requirements).
3. Subsection 129 (1) (resolutions in writing).
4. Subsections 136 (1) and (3) to (6) (indemnification of directors, etc.).

(2) This section comes into force on the same day as subsection 54 (1) of the Act.

13/99

RÈGLEMENT DE L'ONTARIO 114/99
pris en application de la
LOI SUR LES TRIBUNAUX JUDICIAIRES

pris le 3 mars 1999
approuvé le 10 mars 1999
déposé le 11 mars 1999

**RÈGLES EN MATIÈRE DE DROIT
DE LA FAMILLE**

Le règlement susmentionné figurera dans l'édition de la *Gazette de l'Ontario* du 3 avril 1999.

ONTARIO REGULATION 116/99
made under the
LOCAL ROADS BOARDS ACT

Made: March 10, 1999
Filed: March 12, 1999

Amending Reg. 735 of R.R.O. 1990
(Northwestern Region)

Note: Since the end of 1997, Regulation 735 has been amended by Ontario Regulations 334/98 and 598/98. Previous amendments are listed in the Table of Regulations in the Statutes of Ontario, 1997.

1. Schedule 65 of Regulation 735 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

Schedule 65

PELLATT No.2 LOCAL ROADS AREA

All that portion of the Township of Pellett in the Territorial District of Kenora shown outlined on Ministry of Transportation Plan N-505-12, filed with the Record Services Unit of the Ministry of Transportation at Thunder Bay on February 18, 1999.

TONY P. CLEMENT
Minister of Transportation

Dated on March 10, 1999.

13/99

ONTARIO REGULATION 117/99
made under the
LOCAL ROADS BOARDS ACT

Made: March 10, 1999
Filed: March 12, 1999

Amending Reg. 735 of R.R.O. 1990
(Northwestern Region)

Note: Since the end of 1997, Regulation 735 has been amended by Ontario Regulations 334/98, 598/98 and 116/99. Previous amendments are listed in the Table of Regulations in the Statutes of Ontario, 1997.

1. Schedules 24 and 49 of Regulation 735 of the Revised Regulations of Ontario, 1990 are revoked.

TONY P. CLEMENT
Minister of Transportation

Dated on March 10, 1999.

13/99

ONTARIO REGULATION 118/99

made under the
HIGHWAY TRAFFIC ACT

Made: March 10, 1999

Filed: March 12, 1999

Amending Reg. 605 of R.R. O. 1990
(Parking of Vehicles in Territory Without Municipal Organization)

Note: Regulation 605 has previously been amended. Those amendments are listed in the Table of Regulations in the Statutes of Ontario, 1997.

1. Paragraph 1 of the Schedule to Regulation 605 of Revised Regulations of Ontario, 1990, is revoked.

TONY P. CLEMENT
Minister of Transportation

Dated on March 10, 1999.

13/99

ONTARIO REGULATION 119/99

made under the
HIGHWAY TRAFFIC ACT

Made: March 10, 1999

Filed: March 12, 1999

Amending Reg. 623 of R.R.O. 1990
(Stop Signs at Intersections)

Note: Since the end of 1997, Regulation 623 has been amended by Ontario Regulations 29/98, 418/98 and 596/98. Previous amendments are listed in the Table of Regulations in the Statutes of Ontario, 1997.

1. Schedules 11 and 29 to Regulation 623 of the Revised Regulations of Ontario, 1990 are revoked.

TONY P. CLEMENT
Minister of Transportation

Dated on March 10, 1999.

13/99

ONTARIO REGULATION 120/99

made under the
HIGHWAY TRAFFIC ACT

Made: March 10, 1999

Filed: March 12, 1999

Amending Reg. 624 of R.R.O. 1990
(Stop Signs in Territory Without Municipal Organization)

Note: Regulation 624 has previously been amended. Those amendments are listed in the Table of Regulations in the Statutes of Ontario, 1997.

1. Schedules 78, 79, 80, 134 and 135 to Regulation 624 of the Revised Regulations of Ontario, 1990 are revoked.

TONY P. CLEMENT
Minister of Transportation

Dated on March 10, 1999.

13/99

INDEX 13

GOVERNMENT NOTICES/AVIS DU GOUVERNEMENT

Motor Vehicle Transport Act/Truck Transportation Act/Loi sur les transports routiers/Loi sur le camionnage	557
Ontario Highway Transport Board.....	558
Certificates of Dissolution/Certificats de dissolution	559
Notice of Default in Complying with the Corporations Information Act/Avis de non-observation de la loi sur les renseignements exigés des compagnies et des associations	560
Notice of Default in Complying with the Corporations Tax Act/Avis d'inobservation de la loi sur les corporations	560
Cancellation of Certificates of Incorporation (Corporations Tax Act Defaulters)/Annulation de certificats de constitution en personne morale (Non-respect de la loi sur l'imposition des personnes morales).....	561
Cancellation of Certificates of Incorporation (Business Corporations Act)/Annulation de certificat de constitution en personne morale (Loi sur les sociétés par actions).....	561
Applications to Provincial Parliament — Private Bills/Demandes au Parlement provincial — Projets de loi d'intérêt privé	561
Applications to Provincial Parliament/Demandes au Parlement provincial	561

CORPORATION NOTICES/AVIS RELATIFS AUX COMPAGNIES	562
MISCELLANEOUS NOTICES/AVIS DIVERS.....	563
SHERIFFS' SALES OF LANDS/VENTES DE TERRAINS PAR LE SHÉRIF.....	563
SALES OF LANDS FOR TAX ARREARS BY PUBLIC TENDER/VENTES DE TERRAINS PAR APPEL D'OFFRES POUR ARRIÈRE D'IMPÔT	564

PUBLICATIONS UNDER THE REGULATIONS ACT/
PUBLICATIONS EN VERTU DE LA LOI SUR LES RÈGLEMENTS

Courts of Justice Act	O. Reg. 114/99	Loi sur les tribunaux judiciaires Règl. de l'Ont. 114/99.....	623
District Social Services Administration Boards Act	O. Reg. 112/99	.....	617
Electricity Act, 1998	O. Reg. 89/99	.....	569
Electricity Act, 1998	O. Reg. 97/99	.....	588
Electricity Act, 1998	O. Reg. 98/99	.....	588
Electricity Act, 1998	O. Reg. 115/99	.....	623
Fish and Wildlife Conservation Act, 1997	O. Reg. 94/99	.....	586
Fish and Wildlife Conservation Act, 1997	O. Reg. 95/99	.....	586
Fish and Wildlife Conservation Act, 1997	O. Reg. 96/99	.....	587
Freedom of Information and Protection of Privacy Act	O. Reg. 104/99	Loi sur l'accès à l'information et la protection de la vie privée Règl. de l'Ont. 104/99.....	589
French Languages Services Act	O. Reg. 109/99	Loi sur les services en français Règl. de l'Ont. 109/99	614
Health Insurance Act	O. Reg. 108/99	.....	614
Highway Traffic Act	O. Reg. 118/99	.....	624
Highway Traffic Act	O. Reg. 119/99	.....	624
Highway Traffic Act	O. Reg. 120/99	.....	624
Legal Aid Services Act, 1998	O. Reg. 106/99	.....	591
Legal Aid Services Act, 1998	O. Reg. 107/99	.....	600
Local Roads Boards Act	O. Reg. 116/99	.....	623
Local Roads Boards Act	O. Reg. 117/99	.....	623
Municipal Freedom of Information and Protection of Privacy Act	O. Reg. 105/99	.....	591
Ontario Energy Board Act, 1998	O. Reg. 90/99	.....	569
Ontario Energy Board Act, 1998	O. Reg. 99/99	.....	588
Ontario Energy Board Act, 1998	O. Reg. 100/99	.....	588
Ontario Energy Board Act, 1998	O. Reg. 101/99	.....	588
Ontario Energy Board Act, 1998	O. Reg. 102/99	.....	589
Ontario Energy Board Act, 1998	O. Reg. 103/99	.....	589
Ontario Works Act, 1997	O. Reg. 113/99	Loi de 1997 sur le programme Ontario au travail Règl. de l'Ont. 113/99.....	619
Pesticide Act	O. Reg. 110/99	.....	615
Planning Act	O. Reg. 92/99	.....	569
Power Corporation Act	O. Reg. 91/99	.....	569
Provincial Offences Act	O. Reg. 93/99	Loi sur les infractions provinciales Règl. de l'Ont. 93/99.....	570
Social Housing Funding Act, 1997	O. Reg. 111/99	.....	616



Bilingual Lexicon of Legislative Terms

New Edition

This new edition of the *Bilingual Lexicon of Legislative Terms*, prepared by the Office of Legislative Counsel, is the result of a complete review of the 1992 edition. Every entry in that edition was checked against our statutes database. Hundreds of obsolete entries were deleted and thousands of new entries were added. These changes were based on a scanning of the Revised Statutes of Ontario, 1990 and of annual statutes to the end of 1997. Bilingual regulations were not scanned for the purpose of this edition, with the exception of the Rules of Civil Procedures and a few similar regulations.

We hope that this updated edition of the *Lexicon* will reflect even more accurately the terminology used in Ontario's statutes, and that users will find it as complete, practical and reliable a reference work as the previous editions.

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Cette nouvelle édition du *Lexique bilingue de termes législatifs*, préparée par le Bureau des conseillers législatifs, constitue une refonte complète de l'édition de 1992. Des centaines de termes désuets figurant dans la précédente édition ont été retranchés; en revanche, des milliers de nouveaux termes viennent enrichir l'ouvrage. Le choix des entrées et des contextes se fonde essentiellement sur le dépouillement des Lois refondues de l'Ontario de 1990 et sur celui des lois annuelles jusqu'à la fin de 1997. Les règlements bilingues n'ont pas été dépouillés, à l'exception des Règles de procédure civile et de quelques règlements analogues.

Nous souhaitons que cette édition mise à jour reflète encore plus fidèlement la terminologie utilisée dans les lois de l'Ontario, et nous espérons que ses usagers y trouveront un instrument de travail aussi complet, pratique et maniable que les éditions précédentes.

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2. Dans chaque année civile, lorsque l'on a atteint 476 mm, le tarif se situe à 2,27 \$ chaque tranche supplémentaire de 5 mm.
3. Pour chaque insertion multiple commandée en même temps que l'insertion initiale, tarif se calcule à raison de 50 % du tarif payable indiqué au paragraphe 1 ou 2, cas.

Le tarif d'abonnement est de 126,50 \$ + 7% T.P.S. pour 52 numéros hebdomadaires, et le tarif au numéro, de 2,90 \$ + 7% T.P.S. (payable à l'avance). Tous les tarifs peuvent être augmentés sans préavis.

Les chèques ou mandats doivent être faits à l'ordre DU MINISTRE DES FINANCES et toute correspondance, y compris les changements d'adresse, doit être adressée à :

LA GAZETTE DE L'ONTARIO
50, rue Grosvenor, Toronto, (Ontario) M7A 1N8
Telephone 326-5310
Appel sans frais 1-800-668-9938

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Le samedi 3 avril 1999

Proclamations

(Great Seal of Ontario)

HILARY M. WESTON

(Great Seal of Ontario)

HILARY M. WESTON

PROVINCE DE L'ONTARIO

PROVINCE OF ONTARIO

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom, Canada and Her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

ELIZABETH DEUX, par la grâce de Dieu, Reine du Royaume-Uni, du Canada et de ses autres royaumes et territoires, Chef du Commonwealth, Défenseur de la Foi.

PROCLAMATION

PROCLAMATION

ELECTRICITY ACT, 1998

LOI DE 1998 SUR L'ÉLECTRICITÉ

We, by and with the advice of the Executive Council of Ontario, name Friday, March 26, 1999 as the day upon which subsection 98(6) of the *Electricity Act, 1998*, is repealed.

Sur l'avis du Conseil exécutif de l'Ontario, nous désignons le vendredi 26 mars 1999 comme le jour où le paragraphe 98(6) de la *Loi de 1998 sur l'électricité* est abrogé.

TÉMOIN :

WITNESS:

THE HONOURABLE
HILARY M. WESTON

L'HONORABLE
HILARY M. WESTON

LIEUTENANT GOVERNOR OF OUR
PROVINCE OF ONTARIO

LIEUTENANTE-GOUVERNEURE DE NOTRE
PROVINCE DE L'ONTARIO

GIVEN at Toronto, Ontario, on March 24, 1999.

FAIT à Toronto (Ontario) le 24 mars 1999.

BY COMMAND

PAR ORDRE

CHRIS HODGSON
Chair of the Management Board of Cabinet

CHRIS HODGSON
Président du Conseil de gestion du gouvernement

(6404) 14



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APR 9 1999

University of Toronto



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RÉGIONAL
Small Packet / Petit paquet



(Great Seal of Ontario)

HILARY M. WESTON

PROVINCE OF ONTARIO

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom, Canada and Her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

PROCLAMATION

RED TAPE REDUCTION ACT, 1998

A proclamation issue under subsection 17(2) of Schedule B of the *Red Tape Reduction Act, 1998*, Statutes of Ontario, 1998, Chapter 18, naming Thursday, July 1, 1999 as the day on which sections 2, 4, 6, 8, 9, 10, 12, 13, 14, 15 and 16 come into force.

WITNESS:

THE HONOURABLE
HILARY M. WESTON

LIEUTENANT GOVERNOR OF OUR
PROVINCE OF ONTARIO

GIVEN at Toronto, Ontario, on March 24, 1999.

BY COMMAND

CHRIS HODGSON
Chair of the Management Board of Cabinet

(Great Seal of Ontario)

HILARY M. WESTON

PROVINCE DE L'ONTARIO

ELIZABETH DEUX, par la grâce de Dieu, Reine du Royaume-Uni, du Canada et de ses autres royaumes et territoires, Chef du Commonwealth, Défenseur de la Foi.

PROCLAMATION

LOI DE 1998 VISANT À RÉDUIRE LES FORMALITÉS ADMINISTRATIVES

Tel que promulgué au paragraphe 17(2) de l'annexe B de la *Loi de 1998 visant à réduire les formalités administratives*, Lois de l'Ontario 1998, chapitre 18, le jeudi 1^{er} juillet 1999 a été proclamé comme la date désignée de l'entrée en vigueur les articles 2, 4, 6, 8, 9, 10, 12, 13, 14, 15 et 16.

TÉMOIN :

L'HONORABLE
HILARY M. WESTON

LIEUTENANTE-GOUVERNEURE DE NOTRE
PROVINCE DE L'ONTARIO

FAIT à Toronto (Ontario) le 24 mars 1999.

PAR ORDRE

CHRIS HODGSON
Président du Conseil de gestion du gouvernement

(Great Seal of Ontario)

HILARY M. WESTON

PROVINCE OF ONTARIO

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom, Canada and Her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

PROCLAMATION

TENANT PROTECTION ACT, 1997

We, by and with the advice of the Executive Council of Ontario, name Wednesday, March 31, 1999 as the day upon which subsection 223(4) of the *Tenant Protection Act, 1997*, comes into force.

WITNESS:

THE HONOURABLE
HILARY M. WESTON

LIEUTENANT GOVERNOR OF OUR
PROVINCE OF ONTARIO

GIVEN at Toronto, Ontario, on March 24, 1999.

BY COMMAND

CHRIS HODGSON
Chair of the Management Board of Cabinet

(Great Seal of Ontario)

HILARY M. WESTON

PROVINCE DE L'ONTARIO

ELIZABETH DEUX, par la grâce de Dieu, Reine du Royaume-Uni, du Canada et de ses autres royaumes et territoires, Chef du Commonwealth, Défenseur de la Foi.

PROCLAMATION

LOI DE 1997 SUR LA PROTECTION DES LOCATAIRES

Sur l'avis du Conseil exécutif de l'Ontario, nous désignons le mercredi 31 mars 1999 comme le jour où entre en vigueur le paragraphe 223(4) de la *Loi de 1997 sur la protection des locataires*.

TÉMOIN :

L'HONORABLE
HILARY M. WESTON

LIEUTENANTE-GOUVERNEURE DE NOTRE
PROVINCE DE L'ONTARIO

FAIT à Toronto (Ontario) le 24 mars 1999.

PAR ORDRE

CHRIS HODGSON
Président du Conseil de gestion du gouvernement

Motor Vehicle Transport Act/Truck Transportation Act Loi sur les transports routiers/Loi sur le camionnage

The following are applications for operating licences under the *Truck Transportation Act*, R.S.O. 1990, Chapter T.22, and/or the *Motor Vehicle Transport Act*, 1987, Chapter 35. The applicants have met the fitness requirements pursuant to Section 6 of the *Truck Transportation Act* and/or Section 8(2) of the *Motor Vehicle Transport Act*, 1987 and the provincial transport board and/or the Registrar of Motor Vehicles proposes to issue the licences if no written objection is served on the applicant and filed with the Registrar of Motor Vehicles, within thirty days of this publication.

The following applicants have applied for Authority to offer a transportation service for the carriage of Goods:

On trouvera ci-après la liste des demandes de permis d'exploitation présentées en vertu de la *Loi sur le camionnage*, L.R.O. 1990, chapitre T.22, et/ou la *Loi de 1987 sur les transports routiers*, L.C. 1987, chapitre 35. On a jugé que les personnes ayant présenté ces demandes se conformaient aux critères d'aptitude prévus au paragraphe 8(2) de la *Loi de 1987 sur les transports routiers* et l'office des transports de l'Ontario et/ou le registrateur des véhicules automobiles dans les trente jours suivant la publication des présentes.

Les personnes suivantes ont demandé l'autorisation d'offrir des services de transport de marchandises à destination.

AUCLAIR, LUCIEN
GRAND FALLS, NB

BACON, ROGER, JAMES
ST THOMAS, ON

BLACK JACK TRUCKING INC.
HAMILTON, ON

BRIDGE CARRIERS INC
SASKATOON, SK

BROWN, DOUGLAS, E.
ERIN, ON

BURKE, LORNE, G.
BURLINGTON, ON

CANMOL INTERNATIONAL INC.
WILLOWDALE, ON

CHAMBERS CRANE RENTAL LTD
WELLAND, ON

COMRADE EXPRESS INC.
LASALLE, QC

CONNORS, LAWRENCE
TORONTO, ON

DEZEEUW, WESLEY
PROTON STATION, ON

EQ INDUSTRIAL SERVICES INC.
YPSILANTI, MI

FEDORKO, PETER
ST THOMAS, ON

GLENGEARING TRUCKING INC.
ST. CATHARINES, ON

GONE TRUCKING INC
SEAFORTH, ON

GORDON, DELROY, A.
SCARBOROUGH, ON

GUENFELBOIM, GIRORI
NORTH YORK, ON

HENDERSON BUILDERS LIMITED
SARNIA, ON

HEPBURN, RAYMOND, S.
FORT ERIE, ON

HICKEY, RONALD, A.
MISSISSAUGA, ON

HODGES, RANDOLPH, M.
ST. CATHARINES, ON

HOEKSTRA, ROBERT
DURHAM (G), ON

HOUSER TRANSPORT INC
MOUNT FOREST, ON

HUNT, BRENDA
CORNWALL, ON

KHANGURA TRANSPORT LTD.
ETOBICOKE, ON

KILEY, MICHAEL, KEVIN
STIRLING, ON

KINTON, WAYNE, E.
BARRIE, ON

LAVERDIERE TRANSPORT INC.
ST-POLYCARPE, QC

LEWIS, LEROY
AURORA, MO

W L LINKIE TRANSPORTATION INC
CASTLETON, ON

LUNDY, DONNY, G./
LUNDY, DARRYL, E, J.
CREEMORE, ON

MAIN, ERIC, N.
HAMILTON, ON

MADDOX, EDDY, LYNN
EUPORA, MS

MAPLE LEAF CARGO COMPANY INC.
SURREY, BC

MILNE, KEVIN, JOHN
SIMCOE, ON

O'NEIL, CHRISTOPHER, E.
ODESSA, ON

PERSAD, LESLIE
ETOBICOKE, ON

PIECHOCKI, ANDRZEJ, KAZIMIERZ
ETOBICOKE, ON

PREMIUM PORK TRANSPORT LTD.
CORUNNA, ON

PURSLEY, DONALD, C.
SCOTLAND, ON

ROCHON, GASTON
CANTLEY, QC

ROMA CARRIER INC.
SURREY, BC

TMT SERVICES INC
WINDSOR, ON

TRANSPORT MAURICE RACICOT &
FILS INC
BOUCHERVILLE, QC

TRENCO INC.
WILLIAMSPORT, PA

RANGLER HOLDINGS LTD.
PRINCE GEORGE, BC

ROY, JAMIE, P.
TIMMINS, ON

SAVOIE, JEAN-PAUL
PETIT-MATANE, QC

SERCO EXPRESS INC.
LAVAL, QC

SNE TRANSPORTATION CO INC
MOSINEE, WI

SOHM, ALLEN, CLIFFORD
SOUTH RIVER, ON

SUBURBAN TRANSPORT INC
BARRIE, ON

THORN, ROBERT, J.
LINDSAY, ON

TRB 2000 INC
ST CECILE DE MILTON, QC

TWINROSE CARRIERS LTD
CHERRILL, AB

UNI TRANSPORT INC.
THORNHILL, ON

G. VAN EGMOND VACUUM
EXCAVATIONN LTD.
ST ANNS, ON

WINGER, CHARLES, C./
MAC CORMACK, GAYLE, A.
WAINFLEET, ON

658314 ONTARIO INC
STONE CREEK, ON

697670 ONTARIO INC.
OSGOODE, ON

850735 ONTARIO INC.
NEPEAN, ON

1167435 ONTARIO INC.
EMBRO, ON

1232291 ONTARIO INC.
CHAPLEAU, ON

1292345 ONTARIO INC.
CONSTANCE BAY, ON

1337899 ONTARIO LTD
MISSISSAUGA, ON

1333938 ONTARIO INC.
STONE CREEK, ON

1339351 ONTARIO LTD
SCARBOROUGH, ON

9002-0660 QUEBEC INC.
ST-CYRILLE, QC

9032-2769 QUEBEC INC.
ST-MARTIN, QC

9038-0056 QUEBEC INC.
ST PIERRE MONTMAGNY, QC

9041-9540 QUEBEC INC
ST HUBERT, QC

9047-5559 QUEBEC INC
ST NOEL, QC

9053-9024 QUEBEC INC.
ST GERVAIS, QC

9062-1566 QUEBEC INC.
CHARLESBOURG, QC

9073-2546 QUEBEC INC
GATINEAU, QC

J. Greig Beatty
Manager/
Chef de Service

ONTARIO HIGHWAY TRANSPORT BOARD

NOTICE

Periodically, temporary applications are filed with the Board. Details of these applications can be made available at anytime to any interested parties by calling (416) 326-6732.

The following are applications for extra-provincial and public vehicle operating licenses filed under the *Motor Vehicle Transport Act*, 1987, and the *Public Vehicles Act*. All information pertaining to the applicant *i.e.* business plan, supporting evidence, etc. is on file at the Board and is available upon request.

Any interested person who has an economic interest in the outcome of these applications may serve and file an objection within 29 days of this publication. The objector shall:

1. complete a Notice of Objection Form,
2. serve the applicant with the objection,
3. file a copy of the objection and provide proof of service of the objection on the applicant with the Board,
4. pay the appropriate fee.

Serving and filing an objection may be effected by hand delivery, mail, courier or facsimile. Serving means the date received by a party and filing means the date received by the Board.

LES LIBELLÉS DES DEMANDES PUBLIÉES CI-DESSOUS SONT AUSSI DISPONIBLES EN FRANÇAIS SUR DEMANDE.

Attridge Transportation Inc. **44264-J**
27 Mill St. S., P.O. Box 436, Waterdown, Ont. L0R 2H0

Applies for an extra provincial operating licence as follows:

For the transportation of passengers on a chartered trip for Angel Tours and Entertainment from points in Ontario to the Ontario/Manitoba, Ontario/Québec and Ontario/U.S.A. border crossings for furtherance to points as authorized by the relevant jurisdiction and for the return of the same passengers on the same chartered trip to point of origin;

PROVIDED THAT there shall be no pick-up or discharge of passengers except at point of origin.

44264-K

Applies for a public vehicle operating licence as follows:

For the transportation of passengers on a chartered trip for Angel Tours and Entertainment from points in Ontario.

Casino Group Specialists Inc. **45693**
285 Gells Rd., Richmond Hill, Ont. L4C 3A5

Applies for a public vehicle operating licence as follows:

For the transportation of passengers on a chartered trip from points in the Cities of Toronto, Belleville and Quinte West, the Regional Municipalities of Durham, York, Peel, Halton, Hamilton-Wentworth and Niagara, the District of Sudbury, and the Counties of Simcoe, Victoria, Peterborough and Dufferin.

PROVIDED that the chartered trips shall be destined to Casino Rama only.

Century Airlines Services Inc. **44617-H**
779 Erskine Ave., Peterborough, Ont. K9J 5V1

Applies for an amendment to public vehicle operating licence No. PV-1615 as follows:

DELETE:

PROVIDED that the licensee be restricted to not more than (4) Class "A" vehicles.

SO THAT AS AMENDED, THE AFFECTED PORTION OF THE LICENCE WILL READ AS FOLLOWS:

Extension granted:

For the transportation of passengers on a chartered trip, from points in the County of Peterborough.

Don Freeman Bus Lines Limited **44771-A**
56 Harbour St., R.R.#3, Brighton, Ont. K0K 1H0

Applies for an extra provincial operating licence as follows:

For the transportation of passengers on a chartered trip from points in the Village of Colborne, the Town of Brighton, the Township of Brighton all in the County of Northumberland and the City of Quinte West in the County of Hastings to the Ontario/Manitoba, Ontario/Québec and Ontario/U.S.A. border crossings for furtherance to points as authorized by the relevant jurisdiction and for the return of the same passengers on the same chartered trip to point of origin.

PROVIDED THAT:

1. there shall be no pick-up or discharge of passengers except at point of origin;
2. the licensee be restricted to the use of Class "D" public vehicles as defined in paragraph (a)(iv) of subsection 1 of Section 7 of Regulation 982 under the *Public Vehicles*, R.S.O. 1990, Chapter P.54.

44771-B

Applies for a public vehicle operating licence as follows:

For the transportation of passengers on a chartered trip from points in the Village of Colborne, the Town of Brighton, the Township of Brighton all in the County of Northumberland and the City of Quinte West in the County of Hastings.

PROVIDED THAT the licensee be restricted to the use of Class "D" public vehicles as defined in paragraph (a)(iv) of subsection 1 of Section 7 of Regulation 982 under the *Public Vehicles*, R.S.O. 1990, Chapter P.54.

Trott Transit Ltd. **34255-C**
15 James St., Mississauga, Ont. L5M 1R4

Applies for an extra provincial operating licence as follows:

For the transportation of passengers on a chartered trip from points in the Regional Municipalities of Peel, York and Halton and the City of Toronto to the Ontario/Manitoba, Ontario/Québec and Ontario/U.S.A. border crossings for furtherance to points as authorized by the relevant jurisdiction and for the return of the same passengers on the same chartered trip to point of origin.

PROVIDED THAT:

1. there shall be no pick-up or discharge of passengers except at point of origin;

2. the licensee be restricted to the use of Class "D" public vehicles as defined in paragraph (a)(iv) of subsection 1 of Section 7 of Regulation 982 under the *Public Vehicles*, R.S.O. 1990, Chapter P.54.

34255-D

Applies for a public vehicle operating licence as follows:

For the transportation of passengers on a chartered trip from points in the Regional Municipalities of Peel, York and Halton and the City of Toronto.

PROVIDED THAT the licensee be restricted to the use of Class "D" public vehicles as defined in paragraph (a)(iv) of subsection 1 of Section 7 of Regulation 982 under the *Public Vehicles*, R.S.O. 1990, Chapter P.54.

Felix D'Mello,
Board Secretary
Secrétaire de la Commission.

Government Notices Respecting Corporations Avis du gouvernement relatifs aux compagnies

Certificates of Dissolution Certificats de dissolution

NOTICE IS HEREBY GIVEN that a certificate of dissolution under the *Business Corporations Act*, has been endorsed: The effective date precedes the corporation listings.

AVIS EST DONNÉ PAR LA PRÉSENTE que, conformément à la *Loi sur les compagnies*, un certificat de dissolution a été inscrit pour les compagnies suivantes : la date d'entrée en vigueur précède la liste des compagnies visées.

Name of Corporation: Dénomination sociale de la compagnie :	Ontario Corporation Number Numéro de la compagnie en Ontario
---	--

1999-2-24	
ANE MARKETING CORP.	1115344
1999-2-25	
ED FORMAN INSURANCE AGENCY LTD.	383476
SOUNDENT MANAGEMENT COMPANY LTD.	399519
1999-2-26	
DELEUW CATHAR ENGINEERING LTD.	290804
1999-3-1	
TED DESIGN STUDIO INC.	1050434
1999-3-3	
JVP CONSULTING LTD.	1143336
1999-3-12	
(WINDSOR) TOV INVESTMENTS LIMITED	108232
ALLWARD & GOINLOCK INC.	660945
CHARLES A. MACLEOD ENTERPRISES LTD.	130599
J. D. BARNES CONSTRUCTION SERVICES LIMITED	1110540
S. OGDEN CONSTRUCTION LTD.	536956
1999-3-15	
CASSELS LAKE INVESTMENTS INC.	681497
CONTINENTAL INN (NIAGARA) LIMITED.	284425
F.P. 1 EQUIPMENT INC.	1167918
GERARD BOURLIER TRANSLATING SERVICES INC.	584748
HONG & CAN CONSULTANTS LTD.	974272
MASTERCARE INC.	1196307
MILLIONS FORTUNE INC.	915509
MUG MUGS INC.	1152637
RAO INVESTMENTS INC.	866725
SHEPLEY CONSTRUCTION LIMITED	437669
TCM DISTRIBUTING INC.	1160519
VANESSA'S PIZZA INC.	1180614
657593 ONTARIO LIMITED	657593
978007 ONTARIO LIMITED	978007
1999-3-16	
CRYSTAL ANGEL INC.	1215368
D. & R. BREW KING (ONTARIO) INC.	705213
DOREEN LOH INTERNATIONAL LTD.	817154
GEORGE O'NEIL SALES LTD.	647328
J.M. CAQUETTE LOGGING LTD.	938703
MORIE TURK AGENCIES INC.	335065
RENE LUYKS LIMITED	383389
S.T.M. CANADA LIMITED	1241438
S&L IMAGE DESIGN CORPORATION	1104712
368736 ONTARIO LIMITED	368736
770141 ONTARIO INC.	770141

Name of Corporation: Dénomination sociale de la compagnie :	Ontario Corporation Number Numéro de la compagnie en Ontario
---	--

1999-3-17	
ARISCOPE CO. LIMITED.	406310
EN SUITE BED AND BATH BOUTIQUE INC.	977916
HIEMSTRA NURSING HOME LIMITED	201779
K & D REALTY LIMITED	126618
KENNARD-RICHARDS & ASSOCIATES LTD.	555930
NEW-NIOSI FARMS LIMITED	244506
OMNICHIEVE INTERNATIONAL CO. LIMITED	879469
QUALITY FIRST BRAKE CORPORATION	1028158
TED STEVENS ELECTRIC LTD.	683878
TWIN-K HOLDINGS LIMITED	123626
WESCAN SHOPPING CENTRES INC.	526629
777009 ONTARIO INC.	777009
879742 ONTARIO LIMITED.	879742
1086548 ONTARIO LIMITED.	1086548
1191139 ONTARIO INC.	1191139
1999-3-18	
BALDWIN SILK SCREENING LIMITED.	317030
LO-JOYCE HOLDINGS LIMITED.	492275
SOUTHCOR BUILDING CORPORATION	788533
VMBS JAMAICA (CANADA) INC.	961790
598551 ONTARIO LIMITED.	598551
771471 ONTARIO LIMITED.	771471
1999-3-19	
F. & L. ANTHONY CONSTRUCTION LIMITED	87756
JOALDA HOLDINGS INC.	1162200
RONDEAU ELECTRIC LIMITED	111534

14/99

CAROL D. KIRSH,
Director, Companies Branch
Directrice, Direction des compagnies

Cancellation for Filing Default (Corporations Act) Annulation pour omission de se conformer à une obligation de dépôt (Loi sur les personnes morales)

NOTICE IS HEREBY GIVEN that orders under section 317 (9) of the *Corporations Act* have been made cancelling the Letters Patent of the following corporations and declaring them to be dissolved: The date of the order of dissolution precedes the name of the corporation.

PAR LA PRÉSENTE, nous vous informons que les décrets émis en vertu de l'article 317 (9) de la *Loi sur les personnes morales* ont été émis pour annuler les lettres patentes des personnes morales suivantes et les déclarer dissoutes. La date du décret de la dissolution précède le nom de la personne morale.

Name of Corporation:	Ontario Corporation Number
Dénomination sociale	Numéro de la
de la compagnie :	compagnie en Ontario

1999-3-24

AIRPORT DRIFTERS SNOWMOBILE CLUB	441772
HAWTHORNE MEADOWS NURSERY SCHOOL	404066
HOLY VIRGIN PROTECTION ORTHODOX CHURCH	1296178
NEWMARKET STAGE PLAYERS	1148764
THE SPIRITUAL ASSEMBLY OF THE BAHAI'S OF	
WHITCHURCH-STOUFFVILLE	409199

CAROL D. KIRSH,
Director, Companies Branch
Directrice, Direction des compagnies

14/99

Notice of Default in Complying with the Corporations Tax Act Avis d'inobservation de la loi sur les corporations

The Director has been notified by the Minister of Revenue that the following corporations are in default in complying with the *Corporations Tax Act*.

NOTICE IS HEREBY GIVEN under subsection 241 (1) of the *Business Corporations Act*, that unless the corporations listed hereunder comply with the requirements of the *Corporations Tax Act* within 90 days of this notice, orders will be made dissolving the defaulting corporations. All enquiries concerning this notice are to be directed to Corporations Tax Branch, Ministry of Revenue, 33 King Street West, Oshawa, Ontario, L1H 8H6.

Le ministre du Revenu a informé l'administrateur unique que les compagnies suivantes n'avaient pas respecté la *Loi sur l'imposition des personnes morales*.

AVIS EST DONNÉ PAR LA PRÉSENTE que, conformément au paragraphe 241 (1) de la *Loi sur les compagnies*, si les compagnies citées ci-dessous ne se conforment pas aux prescriptions énoncées par la *Loi sur l'imposition des personnes morales* dans un délai de 90 jours suivant la réception du présent avis, lesdites compagnies se verront dissoutes par décision. Pour tout renseignement relatif au présent avis, veuillez vous adresser à la Direction de l'imposition des compagnies, ministère du Revenu, 33, rue King ouest, Oshawa (Ontario) L1H 8H6.

Name of Corporation:	Ontario Corporation Number
Dénomination sociale	Numéro de la
de la compagnie :	compagnie en Ontario

AKMAN CONSTRUCTION INC.	938852
BILLY WELTMAN SALES INC.	464168
DON CHRISTIE CONSTRUCTION LTD.	548462
HALTON HILLS GRAVEL FARMS LIMITED	934408
MED-TECH ENDOSCOPY INC.	1136342
O'HARA RETAIL SYSTEMS INC.	801693
PROMPT FOR WINDOWS INC.	1056686
RYDING-REGENCY MEAT PACKERS LTD.	846800
SLEEPY HOLLOW INN INC.	1163704
700768 ONTARIO INC.	700768
836931 ONTARIO INC.	836931

CAROL D. KIRSH,
Director, Companies Branch
Directrice, Direction des compagnies

14/99

Cancellation of Certificates of Incorporation (Corporations Tax Act Defaulters) Annulation de certificats de constitution en personne morale (Non-respect de la loi sur l'imposition des personnes morales)

NOTICE IS HEREBY GIVEN that, under subsection 241 (4) of the *Business Corporations Act*, the Certificates of Incorporation of the corporations named hereunder have been cancelled by an order dated 8th March, 1999 for default in complying with the provisions of the *Corporations Tax Act*, and the said corporations have been dissolved on that date.

AVIS EST DONNÉ PAR LA PRÉSENTE que, conformément au paragraphe 241(4) de la *Loi sur les compagnies*, les certificats de constitution en personne morale des compagnies dont les noms apparaissent ci-dessous ont été annulés par décision datée du 8 mars 1999 pour non-respect des dispositions de la *Loi sur l'imposition des personnes morales* et que la dissolution des compagnies concernées prend effet à la date susmentionnée :

Name of Corporation:	Ontario Corporation Number
Dénomination sociale	Numéro de la
de la compagnie :	compagnie en Ontario

CHINACARE WELLNESS INC.	1077410
COMANTER SOFTWARE CONSULTANTS INC.	837616
DIXIE TRUCK & TRAILER REPAIR LTD.	941864
EXCALIBUR FINANCIAL LIMITED	1076320
EXPRESS CARPENTRY INC.	1122510
1005058 ONTARIO LTD.	1005058
706123 ONTARIO INC.	706123
788106 ONTARIO LIMITED.	788106
991471 ONTARIO LIMITED.	991471

14/99

CAROL D. KIRSH,
Director, Companies Branch
Directrice, Direction des compagnies

Erratum Notice Avis d'Erreur

Vide Ontario Gazette, Vol. 129-38 dated September 21, 1996

The following corporation was dissolved in error under subsection 241 (4) of the *Business Corporations Act* (or subsection 317 (9) of the *Corporations Act*) and has been returned to active status.

cf. Gazette de l'Ontario, Vol. 129-38 datée du septembre 21, 1996

La corporation suivante a été dissoute par erreur en vertu de l'article 241 (4) de la *Loi sur les sociétés par actions* (ou 317 (9) de la *Loi sur les personnes morales*) et a été reconstituée.

Name of Corporation:	Ontario Corporation Number
Raison Sociale de la	Numéro matricule de la personne
personne morale :	morale en Ontario

ALCAZAR DEVELOPMENTS LIMITED	573710
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14/99

CAROL D. KIRSH,
Director, Companies Branch
Directrice, Direction des compagnies

**Co-operative Corporations Act
(Certificate of Incorporation Issued)
Loi sur les sociétés coopératives
(Certificat de constitution délivrés)**

NOTICE IS HEREBY GIVEN that, under the *Co-operative Corporations Act*, a certificate of Incorporation has been issued to:

AVIS EST PAR LES PRÉSENTES DONNÉ qu'en vertu de la *Loi sur les sociétés coopératives* un certificat de constitution a été délivré à :

Name of Corporation and Head Office:
Nom de la compagnie et siège social :

1999-3-12

Speed River Worker Co-operative Inc., Guelph

JOHN M. HARPER,
Director,
Credit Unions and Co-operatives
Services Branch,
Financial Services Commission
of Ontario.
Directeur,
Direction des caisses populaires
et des coopératives,
Commission des services financiers
de l'Ontario.

14/99

**Co-operative Corporations Act
(Certificate of Amendment of
Articles Issued)
Loi sur les sociétés coopératives
(Certificat de modification de statut)**

NOTICE IS HEREBY GIVEN that, under the *Co-operative Corporations Act*, amendment to articles have been effected as follows:

AVIS EST PAR LA PRÉSENTE DONNÉ qu'en vertu de la *Loi sur les sociétés coopératives* la modification suivante a été apportée au statut de la compagnie mentionnée ci-dessous :

Date of Incorporation: Date de constitution :	Name of Co-operative: Nom de la Coopérative :	Effective Date Date d'entrée en vigueur
1992-6-22	Seaway Valley Farmers Energy Co-operative Inc.	1999-3-12
1996-8-12	Cathedral Communications Co-operative Inc.	1999-3-12

JOHN M. HARPER,
Director,
Credit Unions and Co-operatives
Services Branch,
by delegated authority from
Dina Palozzi,
Superintendent of Financial Services.
Directeur,
Direction des caisses populaires
et des coopératives,
en vertu de pouvoirs délégués par
Dina Palozzi
Surintendante des services financiers.

14/99

**Ministry of Finance—Interest Rates
Ministère des Finances—Taux d'intérêt**

NOTICE

CHANGE OF TAX INTEREST RATE

1. Effective April 1, 1999, the rate of interest payable on underpayment and overpayment of taxes and small business development grants, administered by the Ministry of Finance, will be 10% for underpayments and 5% for overpayments. The dual interest rates apply to the following statutes:

Retail Sales Tax Act
Gasoline Tax Act
Land Transfer Tax Act
Mining Tax Act

Corporations Tax Act
Tobacco Tax Act
Succession Duty Act
Employer Health Tax Act

Fuel Tax Act
Provincial Land Tax Act
Race Tracks Tax Act
Commercial Concentration Tax Act

and

Small Business Development Corporations Act.

As announced in the 1998 Ontario Budget, changes are to be made to increase the interest rate to the prime rate on amounts refunded to taxpayers whose tax issues, under the objections and appeals process, are resolved in the taxpayers' favour. Further details will be available in the next *Notice of Change in Tax Interest Rates*, pending required regulation changes.

2. The tables below show the respective rates of interest applicable to past periods of time in the five years ending March 31, 1999, and the new rates now in effect.

TABLE 1
TAX INTEREST RATES

Time Period	Payable on Tax Underpayments			Payable on Tax Overpayments		
	Provincial Land Tax %	Race Tracks Tax %	All Other Taxes %	Provincial Land Tax %	Race Tracks Tax %	All Other Taxes %
Apr. 1/94 — Jun. 30/94	6	6	6	6	N/A	6
Jul. 1/94 — Sep. 30/94	7	7	7	7	N/A	7
Oct. 1/94 — Dec. 31/94	8	8	8	8	N/A	8
Jan. 1/95 — Mar. 31/95	7	7	7	7	N/A	7
Apr. 1/95 — Jun. 30/95	9	9	9	9	N/A	9
Jul. 1/95 — Sep. 30/95	10	10	10	10	N/A	10
Oct. 1/95 — Dec. 31/95	8	8	8	8	N/A	8
Jan. 1/96 — Mar. 31/96	8	8	8	8	N/A	8
Apr. 1/96 — Jun. 30/96	8	8	8	8	N/A	8
Jul. 1/96 — Sep. 30/96	7	7	7	7	N/A	7
Oct. 1/96 — Dec. 31/96	7	7	7	7	N/A	7
Jan. 1/97 — Mar. 31/97	9	9	9	4	N/A	4
Apr. 1/97 — Jun. 30/97	8	8	8	3	N/A	3
Jul. 1/97 — Sep. 30/97	8	8	8	3	N/A	3
Oct. 1/97 — Dec. 31/97	8	8	8	3	N/A	3
Jan. 1/98 — Mar. 31/98	8	8	8	3	N/A	3
Apr. 1/98 — Jun. 30/98	9	9	9	4	N/A	4
Jul. 1/98 — Sep. 30/98	10	10	10	5	N/A	5
Oct. 1/98 — Dec. 31/98	10	10	10	5	N/A	5
Jan. 1/99 — Mar. 31/99	10	10	10	5	N/A	5
Apr. 1/99 —	10	10	10	5	N/A	5

TABLE 2
TAX INTEREST RATES
SMALL BUSINESS DEVELOPMENT CORPORATIONS ACT

Time Period	Rate %
Apr. 1/94 — Jun. 30/94	6
Jul. 1/94 — Sep. 30/94	7
Oct. 1/94 — Dec. 31/94	8
Jan. 1/95 — Mar. 31/95	7
Apr. 1/95 — Jun. 30/95	9
Jul. 1/95 — Sep. 30/95	10
Oct. 1/95 — Dec. 31/95	8
Jan. 1/96 — Mar. 31/96	8
Apr. 1/96 — Jun. 30/96	8
Jul. 1/96 — Sep. 30/96	7
Oct. 1/96 — Dec. 31/96	7
Jan. 1/97 — Mar. 31/97	9
Apr. 1/97 — Jun. 30/97	8
Jul. 1/97 — Sep. 30/97	8
Oct. 1/97 — Dec. 31/97	8
Jan. 1/98 — Mar. 31/98	8
Apr. 1/98 — Jun. 30/98	9
Jul. 1/98 — Sep. 30/98	10
Oct. 1/98 — Dec. 31/98	10
Jan. 1/99 — Mar. 31/99	10
Apr. 1/99 —	10

Dated at Oshawa, this 9th day of March, 1999.

MINISTRY OF FINANCE,
Tax Revenue Division,
ROY A. LAWRIE,
Assistant Deputy Minister.

AVIS

MODIFICATION DU TAUX D'INTÉRÊT

1. À compter du 1^{er} avril 1999, le taux d'intérêt applicable sur les paiements insuffisants, sur les paiements en trop et sur les subventions pour l'expansion des petites entreprises administré par le ministère des Finances est fixé à 10% pour les paiements insuffisants et 5% pour les paiements en trop. Ce taux d'intérêt touche les lois suivantes :

Loi sur la taxe de vente au détail

Loi sur les droits de cession immobilière

Loi sur l'imposition des corporations

Loi sur les droits successoraux

Loi de la taxe sur les carburants

Loi sur l'impôt foncier provincial

Loi de la taxe sur le pari mutuel

Loi de la taxe sur l'essence

Loi de l'impôt sur l'exploitation minière

Loi de la taxe sur le tabac

Loi sur l'impôt prélevé sur les

employeurs relatifs aux services de santé

Loi de l'impôt sur les concentrations

commerciales

et

Loi sur les sociétés pour l'expansion des petites entreprises.

Tel qu'annoncé dans le budget de l'Ontario de 1998, des changements seront apportés afin de faire passer le taux d'intérêt au taux préférentiel sur les montants remboursés aux contribuables dont les questions fiscales, selon le processus d'opposition et d'appel, sont réglées en leur faveur. De plus amples détails seront fournis dans le prochain «Avis de changement concernant les taux d'intérêt», en attendant les changements réglementaires requis.

2. Les tableaux ci-dessous indiquent les taux d'intérêt respectifs applicables aux périodes écoulées dans les cinq années se terminant le 31 mars 1999, ainsi que les nouveau taux maintenant en vigueur.

TABLEAU 1
TAUX D'INTÉRÊT SUR LES IMPÔTS

Période	Applicable sur les paiements insuffisants			Applicables sur les paiements en trop		
	Impôt foncier %	Taxe sur le pari mutuel %	Toutes autres taxes %	Impôt foncier %	Taxe sur le pari mutuel %	Toutes autres taxes %
1 ^{er} avril 1994 au 30 juin 1994	6	6	6	6	S/O	6
1 ^{er} juillet 1994 au 30 sept. 1994	7	7	7	7	S/O	7
1 ^{er} oct. 1994 au 31 déc. 1994	8	8	8	8	S/O	8
1 ^{er} jan. 1995 au 31 mars 1995	7	7	7	7	S/O	7
1 ^{er} avril 1995 au 30 juin 1995	9	9	9	9	S/O	9
1 ^{er} juillet 1995 au 30 sept. 1995	10	10	10	10	S/O	10
1 ^{er} oct. 1995 au 31 déc. 1995	8	8	8	8	S/O	8
1 ^{er} jan. 1996 au 31 mars 1996	8	8	8	8	S/O	8
1 ^{er} avril 1996 au 30 juin 1996	8	8	8	8	S/O	8
1 ^{er} juillet 1996 au 30 sept. 1996	7	7	7	7	S/O	7
1 ^{er} oct. 1996 au 31 déc. 1996	7	7	7	7	S/O	7
1 ^{er} jan. 1997 au 31 mars 1997	9	9	9	4	S/O	4
1 ^{er} avril 1997 au 30 juin 1997	8	8	8	3	S/O	3
1 ^{er} juillet 1997 au 30 sept. 1997	8	8	8	3	S/O	3
1 ^{er} oct. 1997 au 31 déc. 1997	8	8	8	3	S/O	3
1 ^{er} jan. 1998 au 31 mars 1998	8	8	8	3	S/O	3
1 ^{er} avril 1998 au 30 juin 1998	9	9	9	4	S/O	4
1 ^{er} juillet 1998 au 30 sept. 1998	10	10	10	5	S/O	5
1 ^{er} oct. 1998 au 31 déc. 1998	10	10	10	5	S/O	5
1 ^{er} jan. 1999 au 31 mars 1999	10	10	10	5	S/O	5
À compter du 1 ^{er} avril 1999	10	10	10	5	S/O	5

TABLEAU 2

TAUX D'INTÉRÊT SUR L'IMPÔT
LOI SUR LES SOCIÉTÉS POUR L'EXPANSION DES PETITES ENTREPRISES

Période	Taux %
1 ^{er} avril 1994 au 30 juin 1994	6
1 ^{er} juillet 1994 au 30 sept. 1994	7
1 ^{er} oct. 1994 au 31 déc. 1994	8
1 ^{er} jan. 1995 au 31 mars 1995	7
1 ^{er} avril 1995 au 30 juin 1995	9
1 ^{er} juillet 1995 au 30 sept. 1995	10
1 ^{er} oct. 1995 au 31 déc. 1995	8
1 ^{er} jan. 1996 au 31 mars 1996	8
1 ^{er} avril 1996 au 30 juin 1996	8
1 ^{er} juillet 1996 au 30 sept. 1996	7
1 ^{er} oct. 1996 au 31 déc. 1996	7
1 ^{er} jan. 1997 au 31 mars 1997	9
1 ^{er} avril 1997 au 30 juin 1997	8
1 ^{er} juillet 1997 au 30 sept. 1997	8
1 ^{er} oct. 1997 au 31 déc. 1997	8
1 ^{er} jan 1998 au 31 mars 1998	8
1 ^{er} avril 1998 au 30 juin 1998	9
1 ^{er} juillet 1998 au 30 sept. 1998	10
1 ^{er} oct. 1998 au 31 déc. 1998	10
1 ^{er} jan. 1999 au 31 mars 1999	10
À compter du 1 ^{er} avril 1999	10

Préparé à Oshawa, ce 9^e jour mars 1999.

MINISTÈRE DES FINANCES
 Division du revenu fiscal
 ROY A. LAWRIE
 Sous-ministre adjoint

(6403) 14

**Applications to
 Provincial Parliament — Private Bills
 Demandes au Parlement
 provincial — Projets de loi d'intérêt privé**

PUBLIC NOTICE

The rules of procedure and the fees and costs related to applications for Private Bills are set out in the Standing Orders of the Legislative Assembly. Copies of the Standing Orders may be obtained from:

Committees Branch
 Room 1405, Whitney Block, Queen's Park
 Toronto, Ontario M7A 1A2

Telephone: 416/325-3500 (Collect calls will be accepted.)

Applicants should note that consideration of applications for Private Bills that are received after the first day of September in any calendar year may be postponed until the first regular Session in the next following calendar year.

CLAUDE L. DESROSIERIS.
 Clerk of the Legislative Assembly.

(6899) T.F.N.

**Applications to Provincial Parliament
 Demandes au Parlement provincial**

THE CORPORATION OF THE CITY OF WINDSOR

NOTICE IS HEREBY GIVEN THAT, on behalf of The Corporation of the City of Windsor, application will be made to the Legislative Assembly of the Province of Ontario for an Act to provide:

- That the Windsor City Council may refuse an application to demolish or remove a designated property under the *Ontario Heritage Act* and that the owner of the property shall not demolish or remove the building unless:
 - The owner has obtained a building permit to erect a new building on the site; or
 - 180 days have elapsed from the date of refusal of permission to demolish.
- Windsor City Council may refuse an application to demolish or remove a building in a heritage conservation district unless:
 - The owner has obtained a building permit to erect a new building on the site; or

(b) 180 days have elapsed from the date of refusal of permission to demolish.

3. A person who is refused a demolition permit but who subsequently demolishes or removes a building pursuant to numbers 1 and 2 above shall within two years of the commencement of the demolition or removal substantially complete a new building on the site.
4. A person who has been unable to comply with the above may apply for relief from the time restriction, and Windsor City Council may grant such relief. Any person who has made an application for relief from the time restrictions may also make an application to the Ontario Municipal Board to extend the time period.
5. Any person who knowingly furnishes false information or who demolishes a designated property without permission and any person who has an obligation to erect a new building within a time period and who fails to do so shall be guilty of an offence.

The proposed legislation will permit the City of Windsor to refuse demolition permits for properties designated for historical or heritage purposes until such time as the owner intends to demolish them for the purposes of construction of a new building on the site.

The application will be considered by the Standing Committee on Regulations and Private Bills. Any person who has an interest in the application and who wishes to make submissions, for or against the application, to the Standing Committee on Regulations and Private Bills should notify, in writing, the Clerk of the Legislative Assembly, Legislative Building Queens Park, Toronto, Ontario, M7A 1A2.

Dated at Windsor, this 8th day of March, 1999.

BARRY R. HALLIWILL
Commissioner of Legal and Human Resources
The Corporation of the City of Windsor
Department of Legal and Human Resources
Legal Division
350 City Hall Square West
P. O. Box 1607
Windsor, Ontario
N9A 6S1

(2734) 12-15

ASSOCIATION OF REGISTERED INTERIOR DESIGNERS OF ONTARIO (ARIDO)

NOTICE IS HEREBY GIVEN that on behalf of the Association of Registered Interior Designers of Ontario (ARIDO) application will be made to the Legislative Assembly of the Province of Ontario for an Act to amend the ARIDO Act to reserve exclusive use of the professional designation "Interior Designer" to members of the Association of Registered Interior Designers of Ontario.

The application will be considered by the Standing Committee on Regulations and Private Bills. Any person who has an interest in the application and who wishes to make submissions, for or against the application, to the Standing Committee on Regulations and Private Bills should notify, in writing, the Clerk of the Legislative Assembly, Legislative Building, Queen's Park, Toronto, Ontario, M7A 1A2.

Dated at Toronto, this 15th day of March, 1999.

TREVOR KRUSE,
ARIDO, IDC, BAAID, NCIDQ Certified,
President.

(2757) 14-17

1274187 ONTARIO LIMITED

NOTICE IS HEREBY GIVEN that on behalf of Pino Tarabelli application will be made to the Legislative Assembly of the Province of Ontario for an Act to revive 1274187 Ontario Limited.

The application will be considered by the Standing Committee on Regulations and Private Bills. Any person who has an interest in the application and who wishes to make submissions, for or against the application, to the Standing Committee on Regulations and Private Bills should notify, in writing, the Clerk of the Legislative Assembly, Legislative Building, Queen's Park, Toronto, Ontario, M7A 1A2.

Dated at Mississauga, this 17th day of March, 1999.

(2758) 14-17

PINO TARABELLI,
President.

Corporation Notices Avis relatifs aux compagnies

ERRATUM

THE ST. ANDREW'S SOCIETY OF TORONTO

Vide Ontario Gazette, Vol. 132-11, Page 440, Dated March 13, 1999.

NOTICE IS HEREBY GIVEN that "Dated at Stratford" was published in error and should have read "Dated at Toronto".

Dated at Toronto, this 25th day of March, 1999.

(2770A) 14

ANNA I. CANCELLI,
The Ontario Gazette.

TORONTO FOUNDATION FOR STUDENT SUCCESS

NOTICE IS HEREBY GIVEN that the number of directors of the Toronto Foundation for Student Success was increased from 8 to 15 by a Special Resolution which was confirmed by the members of the Corporation on the 8th day of September, 1998.

Dated at Toronto, this 1st day of March, 1999.

(2759) 14

JENNIFER PARNELL,
Secretary.

TAKI RESTAURANT LTD.

NOTICE IS HEREBY GIVEN that Taki Restaurant Ltd. intends to dissolve pursuant to the *Business Corporations Act*.

(2760) 14

TAKASHI SUZUKI,
President.

NUTRI-SOURCE INC.

NOTICE IS HEREBY GIVEN that Nutri-Source Inc. intends to dissolve pursuant to the *Business Corporations Act*.

Dated this 3rd day of March, 1999.

(2761) 14

LUCY W. COURSOL,
President.

860822 ONTARIO LTD.

NOTICE IS HEREBY GIVEN that 860822 Ontario Ltd. intends to dissolve pursuant to the *Business Corporations Act*.

Dated this 31st day of October, 1999.

(2762) 14

ROBERT MAXWELL,
President.

**THE WALTER BEAN GRAND RIVER COMMUNITY
TRAILS CORPORATION**

Ontario Corporation Number: 1300645

NOTICE IS HEREBY GIVEN that the number of directors of The Walter Bean Grand River Community Trails Corporation was increased from three (3) to thirteen (13) by a Special Resolution which was confirmed by the members of the Corporation on March 12, 1999.

Dated this 22nd day of March, 1999.

RANDALL MARTIN,
Secretary.

(2763) 14

1010800 ONTARIO LTD. (o/a PARKWAY PHOTO)

NOTICE IS HEREBY GIVEN that 1010800 Ontario Ltd. (o/a Parkway Photo) intends to dissolve pursuant to the *Business Corporations Act*.

Dated this 22nd day of September, 1998.

YEN-PIN YU,
Director/President.

(2764) 14

WOMEN TEACHERS' ORGANIZATION (LONDON) INC.

NOTICE IS HEREBY GIVEN that Women Teachers' Organization (London) Inc. intends to dissolve pursuant to the *Business Corporations Act*.

Dated this 22nd day of March, 1999.

MARION HOLGATE,
President.

(2769) 14

**CHILDHOOD COMMUNITY RESOURCE CENTRE
OF
WINDSOR AND ESSEX COUNTY INC.**

NOTICE IS HEREBY GIVEN that the members of the Childhood Community Resource Centre of Windsor and Essex County Inc., at a special meeting of the members thereof held on January 8, 1999, passed a resolution requiring the Corporation to be wound up and for such purposes have appointed Price WaterhouseCoopers Inc. as liquidator pursuant to the *Corporations Act* (Ontario).

Dated this 18th day of March, 1999.

MICHAEL FRENETTE,
Director.

(2770) 14

**Sales of Lands for Tax Arrears
by Public Tender
Ventes de terrains par appel d'offres
pour arriéré d'impôt**

MUNICIPAL TAX SALES ACT
R.S.O. 1990, c. M.60, s. 9 (2) (d) R.R.O. 1990, Reg. 824

**THE CORPORATION OF THE
TOWN OF WHITCHURCH-STOUFFVILLE**

TAKE NOTICE that tenders are invited for the purchase of the land(s) described below and will be received until 3:00 p.m. local time on April 22nd, 1999, at Town of Whitchurch-Stouffville Treasury Department.

The tenders will then be opened in public on the same day at Town of Whitchurch-Stouffville Council Chambers.

Description of Land(s)	Minimum Tender Amount
Town of Whitchurch-Stouffville, Regional Municipality of York:	
York Region Condo Plan 835, Unit 1, Level 2, 86 Ringwood Drive, Unit 201.....	\$9,066.25
York Region Condo Plan 835, Unit 2, Level 2, 86 Ringwood Drive, Unit 202.....	\$7,602.27
York Region Condo Plan 835, Unit 3, Level 2, 86 Ringwood Drive, Unit 203.....	\$12,667.66
York Region Condo Plan 835, Unit 4, Level 2, 86 Ringwood Drive, Unit 204.....	\$8,009.18
York Region Condo Plan 835, Unit 5, Level 2, 86 Ringwood Drive, Unit 205.....	\$7,818.84
York Region Condo Plan 835, Unit 6, Level 2, 86 Ringwood Drive, Unit 206.....	\$6,204.10
York Region Condo Plan 835, Unit 7, Level 2, 86 Ringwood Drive, Unit 207.....	\$5,733.43
York Region Condo Plan 835, Unit 8, Level 2, 86 Ringwood Drive, Unit 208.....	\$7,818.84
York Region Condo Plan 835, Unit 9, Level 2, 86 Ringwood Drive, Unit 209.....	\$7,818.84
York Region Condo Plan 835, Unit 10, Level 2, 86 Ringwood Drive, Unit 210.....	\$6,761.81
York Region Condo Plan 835, Unit 11, Level 2, 86 Ringwood Drive, Unit 211.....	\$6,884.54
York Region Condo Plan 835, Unit 12, Level 2, 86 Ringwood Drive, Unit 212.....	\$6,884.54
York Region Condo Plan 835, Unit 13, Level 2, 86 Ringwood Drive, Unit 213.....	\$6,761.81
York Region Condo Plan 835, Unit 14, Level 2, 86 Ringwood Drive, Unit 214.....	\$9,282.81
York Region Condo Plan 835, Unit 15, Level 2, 86 Ringwood Drive, Unit 215.....	\$17,972.78
York Region Condo Plan 835, Unit 16, Level 2, 86 Ringwood Drive, Unit 216.....	\$9,784.69
York Region Condo Plan 835, Unit 18, Level 2, 86 Ringwood Drive, Unit 218.....	\$6,044.14
York Region Condo Plan 835, Unit 19, Level 2, 86 Ringwood Drive, Unit 219.....	\$6,018.25
York Region Condo Plan 835, Unit 20, Level 2, 86 Ringwood Drive, Unit 220.....	\$6,761.81
York Region Condo Plan 835, Unit 21, Level 2, 86 Ringwood Drive, Unit 221.....	\$7,602.27
York Region Condo Plan 835, Unit 22, Level 2, 86 Ringwood Drive, Unit 222.....	\$7,602.27
York Region Condo Plan 835, Unit 23, Level 2, 86 Ringwood Drive, Unit 223.....	\$7,602.27
York Region Condo Plan 835, Unit 24, Level 2, 86 Ringwood Drive, Unit 224.....	\$8,157.66

Description of Land(s)	Minimum Tender Amount
Parcel 17-1 Section 65M2741, Block 17, Plan 65M 2741, Stalwart Industrial Avenue, Town of Whitchurch-Stouffville, Regional Municipality of York	\$1,444.46

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank, trust corporation or Province of Ontario Savings Office payable to the municipality or board and representing at least 20 per cent of the tender amount.

The Municipality makes no representation regarding the title to or any other matters relating to the land to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

This sale is governed by the *Municipal Tax Sales Act* and the *Municipal Tax Sales Rules* made under that Act. The successful purchaser will be required to pay the amount tendered plus accumulated taxes and the relevant land transfer tax.

For further information regarding this sale and a copy of the prescribed form of tender, contact:

RUTH ARMSTRONG, AMCT, CMCT
Tax Collector
Town of Whitchurch-Stouffville
37 Sandiford Drive, 4th Floor
Stouffville, Ontario L4A 7X5
Tel.: (905) 640-1900, (905) 895-2423

(2765) 14

MUNICIPAL TAX SALES ACT

THE CORPORATION OF THE
TOWN OF ONAPING FALLS

TAKE NOTICE that tenders are invited for the purchase of the land(s) described below and will be received until 3:00 p.m. local time on April 26, 1999 at the municipal office, 79 Main Street (P. O. Box 400) Dowling, Ontario P0M 1R0.

The tenders will then be opened in public on the same day at the municipal office, 79 Main Street (P. O. Box 400) Dowling Ontario, P0M 1R0.

Description of Land(s)	Minimum Tender Amount
1. Parcel 24146 S.W.S. Lot 4, Plan M-1010 Township of Levack now Town of Onaping Falls, District of Sudbury Roll # 53-19-010-003-07402-0000	\$3,489.27
2. Parcel 24146 S.W.S. Lot 5, Plan M-1010 Township of Levack now Town of Onaping Falls, District of Sudbury Roll # 53-19-010-003-07401-0000	\$4,203.73

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank, trust corporation or Province of Ontario Savings Office payable to the municipality and representing at least 20% of the tender amount.

The Municipality makes no representation regarding the title to or any other matters relating to the land to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

This sale is governed by the *Municipal Tax Sales Act* being chapter M.60 of the Revised Statutes of Ontario and the *Municipal Tax Sales Rules* made under that Act. The successful purchaser will be required to pay the amount tendered plus accumulated taxes and the relevant land transfer tax.

For further information regarding this sale and a copy of the prescribed form of tender, contact:

JOHANNE BEATTIE,
Treasurer,
The Corporation of the
Town of Onaping Falls,
P.O. Box 400,
Dowling, Ontario P0M 1R0,
Telephone : 705-855-4583,
Fax : 705-855-2591.

(2766) 14

MUNICIPAL TAX SALES ACT
R.S.O. 1990, c. M.60, s. 9 (2) (d) R.R.O. 1990, Reg. 824THE CORPORATION OF THE
TOWNSHIP OF CARDEN

TAKE NOTICE that tenders are invited for the purchase of the land(s) described below and will be received until 3:00 p.m. local time on April 23rd, 1999 at Township Offices, 258 Lake Dalrymple Road, Sebright, Ontario.

The tenders will then be opened in public on the same day at Township Offices at 3:30 p.m.

Description of Land(s)	Minimum Tender Amount
1. Part of the East half of Lot 20, Concession 1, Township of Carden, County of Victoria, designated as Part 1, Plan 57R-5189	\$4,822.61

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank, trust corporation or Province of Ontario Savings Office payable to the municipality or board and representing at least 20 per cent of the tender amount.

The Municipality makes no representation regarding the title to or any other matters relating to the land to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

This sale is governed by the *Municipal Tax Sales Act* and the *Municipal Tax Sales Rules* made under that Act. The successful purchaser will be required to pay the amount tendered plus accumulated taxes and the relevant land transfer tax.

Note: G.S.T. may be payable by successful purchaser.

For further information regarding this sale and a copy of the prescribed form of tender, contact:

JEAN JONES,
Clerk-Treasurer,
The Corporation of the
Township of Carden,
R.R. #1,
Sebright, Ontario L0K 1W0,
Telephone: 705-833-2811.

(2767) 14

MUNICIPAL TAX SALES ACT
R.S.O. 1990, c. M.60.

THE CORPORATION OF THE
TOWNSHIP OF GUELPH/ERAMOSA

TAKE NOTICE that tenders are invited for the purchase of the land described below and will be received until 3:00 p.m. local time on Friday, April 30, 1999 at the Township of Guelph/Eramosa Municipal Office.

The tenders will then be opened in public on the same day at the Township of Guelph/Eramosa Municipal Office at 4:00 p.m. local time.

Description of Land(s)	Minimum Tender Amount
Part of Lots 14, 15, 16, Registered Plan 365, save and except Part of Lot 14, Registered Plan 365, more particularly described as Part 1 on Reference Plan 61R-6420 formerly Township of Guelph now Township of Guelph/Eramosa, County of Wellington.....	\$18,836.88
Municipal Address: 47 Bedford Road, Guelph, Ontario.	

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank, trust corporation or Province of Ontario Savings Office payable to the municipality (or board) and representing at least 20 per cent of the tender amount.

The Municipality makes no representation regarding the title to or any other matters relating to the land to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

This sale is governed by the *Municipal Tax Sales Act* and the *Municipal Tax Sales Rules* made under that Act. The successful purchaser will be required to pay the amount tendered plus accumulated taxes and the relevant land transfer tax.

For further information regarding this sale and a copy of the prescribed form of tender, contact:

LAURA SMITH, A.M.C.T.,
Treasurer/Tax Collector,
The Corporation of the Township of Guelph/Eramosa,

Mailing Address:
P.O. Box 3000, R.R. #1,
Rockwood, Ontario
N0B 2K0,

(2768) 14

Municipal Address:
8348 Wellington Road 124
(at Bruce Dale),
R.R. #1, Rockwood,
Ontario N0B 2K0

Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

1999—04—03

ONTARIO REGULATION 114/99 made under the COURTS OF JUSTICE ACT

Made: March 3, 1999
Approved: March 10, 1999
Filed: March 11, 1999

FAMILY LAW RULES

CONTENTS

- 1 General
- 2 Interpretation
- 3 Time
- 4 Representation
- 5 Where a case starts and is to be heard
- 6 Service of documents
- 7 Parties
- 8 Starting a case
- 9 Continuing record
- 10 Answering a case
- 11 Amending an application, answer of reply
- 12 Withdrawing, combining or splitting cases
- 13 Financial statements
- 14 Motions
- 15 Motions to change an order or agreement
- 16 Summary judgment
- 17 Conferences
- 18 Offers to settle
- 19 Document disclosure
- 20 Questioning a witness and disclosure
- 21 Report of Children's Lawyer
- 22 Admission of facts
- 23 Evidence and trial
- 24 Costs
- 25 Orders
- 26 Enforcement of orders
- 27 Requiring financial information
- 28 Seizure and sale
- 29 Garnishment
- 30 Default hearing
- 31 Contempt of court
- 32 Bonds, recognizances and warrants
- 33 Child protection
- 34 Adoption
- 35 Change of name
- 36 Divorce
- 37 Reciprocal enforcement of support orders
- 38 Appeals
- 39 Case management in Family Court of Superior Court of Justice
- 40 Case management in Ontario Court of Justice

RÈGLEMENT DE L'ONTARIO 114/99 pris en application de la LOI SUR LES TRIBUNAUX JUDICIAIRES

pris le 3 mars 1999
approuvé le 10 mars 1999
déposé le 11 mars 1999

RÈGLES EN MATIÈRE DE DROIT DE LA FAMILLE

SOMMAIRE

- 1 Dispositions générales
- 2 Interprétation
- 3 Délais
- 4 Représentation
- 5 Lieu où une cause est introduite et doit être entendue
- 6 Signification de documents
- 7 Parties
- 8 Introduction d'une cause
- 9 Dossier continu
- 10 Défense à une cause
- 11 Modification d'une requête, d'une défense ou d'une réponse
- 12 Retrait, jonction ou séparation des causes
- 13 États financiers
- 14 Motions
- 15 Motions en modification d'une ordonnance ou d'un accord
- 16 Jugement sommaire
- 17 Conférences
- 18 Offres de règlement amiable
- 19 Divulgence de documents
- 20 Interrogation d'un témoin et divulgation
- 21 Rapport de l'avocat des enfants
- 22 Admission de faits
- 23 Preuves et procès
- 24 Dépens
- 25 Ordonnances
- 26 Exécution des ordonnances
- 27 Obligation de fournir des renseignements financiers
- 28 Saisie-exécution
- 29 Saisie-arrêt
- 30 Audience sur le défaut
- 31 Outrage au tribunal
- 32 Cautionnements, engagements et mandats
- 33 Protection de l'enfance
- 34 Adoption
- 35 Changement de nom
- 36 Divorce
- 37 Exécution réciproque d'ordonnances alimentaires
- 38 Appels
- 39 Gestion des causes portées devant la Cour de la famille de la Cour supérieure de justice
- 40 Gestion des causes portées devant la Cour de justice de l'Ontario

RULES RULE 1: GENERAL

SHORT TITLE

1. (1) These rules may be cited as the *Family Law Rules*.

CASES AND COURTS TO WHICH RULES APPLY

(2) These rules apply to all family law cases in the Family Court of the Superior Court of Justice and in the Ontario Court of Justice, whether started before, on or after the day when these rules take effect,

- (a) under,
 - (i) the *Change of Name Act*,
 - (ii) Parts III, VI and VII of the *Child and Family Services Act*,
 - (iii) the *Children's Law Reform Act*, except sections 59 and 60,
 - (iv) the *Divorce Act* (Canada),
 - (v) the *Family Law Act*, except Part V,
 - (vi) the *Family Responsibility and Support Arrears Enforcement Act, 1996*,
 - (vii) sections 6 and 9 of the *Marriage Act*, and
 - (viii) the *Reciprocal Enforcement of Support Orders Act*;
- (b) for the interpretation, enforcement or variation of a marriage contract, cohabitation agreement, separation agreement or paternity agreement;
- (c) for a constructive or resulting trust or a monetary award as compensation for unjust enrichment between persons who have cohabited; and
- (d) for annulment of a marriage or a declaration of validity or invalidity of a marriage.

CASE MANAGEMENT IN FAMILY COURT OF SUPERIOR COURT OF JUSTICE

(3) Despite subrule (2), rule 39 (case management in the Family Court of the Superior Court of Justice) applies only to cases in the Family Court of the Superior Court of Justice, which has jurisdiction in the following municipalities:

Regional Municipality of Durham
 County of Frontenac
 County of Haliburton
 Regional Municipality of Hamilton-Wentworth
 County of Lanark
 United Counties of Leeds and Grenville
 County of Lennox and Addington
 County of Middlesex
 Territorial District of Muskoka
 The part of The Regional Municipality of Niagara that was the County of Lincoln as it existed on December 31, 1969
 County of Northumberland

RÈGLE 1 : DISPOSITIONS GÉNÉRALES

TITRE ABRÉGÉ

1. (1) Le titre abrégé des présentes règles est *Règles en matière de droit de la famille*.

CAUSES ET TRIBUNAUX AUXQUELS S'APPLIQUENT LES RÈGLES

(2) Les présentes règles s'appliquent à toutes les causes en droit de la famille portées devant la Cour de la famille de la Cour supérieure de justice et devant la Cour de justice de l'Ontario, qu'elles soient introduites avant ou après le jour de l'entrée en vigueur des présentes règles ou ce jour-là :

- a) en vertu de ce qui suit :
 - (i) la *Loi sur le changement de nom*,
 - (ii) les parties III, VI et VII de la *Loi sur les services à l'enfance et à la famille*,
 - (iii) la *Loi portant réforme du droit de l'enfance*, à l'exception des articles 59 et 60,
 - (iv) la *Loi sur le divorce* (Canada),
 - (v) la *Loi sur le droit de la famille*, à l'exception de la partie V,
 - (vi) la *Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments*,
 - (vii) les articles 6 et 9 de la *Loi sur le mariage*,
 - (viii) la *Loi sur l'exécution réciproque d'ordonnances alimentaires*;
- b) en vue de l'interprétation, de l'exécution ou de la modification de contrats de mariage ou d'accords de cohabitation, de séparation ou de paternité;
- c) en vue de la constitution d'une fiducie judiciaire ou d'une fiducie par déduction, ou encore d'une indemnité pour enrichissement sans cause entre des personnes qui ont cohabité;
- d) en vue de faire annuler un mariage ou de faire déclarer le mariage valide ou nul.

GESTION DES CAUSES PORTÉES DEVANT LA COUR DE LA FAMILLE DE LA COUR SUPÉRIEURE DE JUSTICE

(3) Malgré le paragraphe (2), la règle 39 (gestion des causes portées devant la Cour de la famille de la Cour supérieure de justice) ne s'applique qu'aux causes portées devant la Cour de la famille de la Cour supérieure de justice, qui a compétence dans les municipalités suivantes :

La municipalité régionale de Durham
 Le comté de Frontenac
 Le comté de Haliburton
 La municipalité régionale de Hamilton-Wentworth
 Le comté de Lanark
 Les comtés unis de Leeds et Grenville
 Le comté de Lennox et Addington
 Le comté de Middlesex
 Le district territorial de Muskoka
 La partie de la municipalité régionale de Niagara qui constituait le comté de Lincoln tel qu'il existait le 31 décembre 1969
 Le comté de Northumberland

Regional Municipality of Ottawa-Carleton

County of Peterborough

United Counties of Prescott and Russell

County of Simcoe

United Counties of Stormont, Dundas and Glengarry

County of Victoria

Regional Municipality of York

CASE MANAGEMENT IN ONTARIO COURT OF JUSTICE

(4) Despite subrule (2), rule 40 (case management in the Ontario Court of Justice) applies only to cases in the Ontario Court of Justice.

FAMILY LAW CASE COMBINED WITH OTHER MATTER

(5) If a case in the court combines a family law case to which these rules apply with another matter to which these rules would not otherwise apply, the parties may agree or the court on motion may order that these rules apply to the combined case or part of it.

CONDITIONS AND DIRECTIONS

(6) When making an order, the court may impose conditions and give directions as appropriate.

MATTERS NOT COVERED IN RULES

(7) If these rules do not cover a matter adequately, the court may give directions, and the practice shall be decided by analogy to these rules, by reference to the *Courts of Justice Act* and the Act governing the case and, if the court considers it appropriate, by reference to the Rules of Civil Procedure.

FAILURE TO FOLLOW RULES OR OBEY ORDER

(8) The court may deal with a failure to follow these rules, or a failure to obey an order in the case or a related case, by making any order that it considers necessary for a just determination of the matter, on any conditions that the court considers appropriate, including,

- (a) an order for costs;
- (b) an order dismissing a claim made by a party who has wilfully failed to follow the rules or obey the order.

USE OF FORMS

(9) The forms authorized by these rules and set out in the Appendix of Forms shall be used where applicable and may be adjusted as needed to fit the situation.

FORMAT OF WRITTEN DOCUMENTS

- (10) Every written document in a case,
 - (a) shall be legibly typed or printed;
 - (b) shall be on white paper, or on white or nearly white paper with recycled paper content; and
 - (c) may appear on one or both sides of the page.

PRACTICE DIRECTIONS, ETC.

(11) A practice direction, notice, memorandum or guide for the conduct of cases in any area shall be,

La municipalité régionale d'Ottawa-Carleton

Le comté de Peterborough

Les comtés unis de Prescott et Russell

Le comté de Simcoe

Les comtés unis de Stormont, Dundas et Glengarry

Le comté de Victoria

La municipalité régionale de York

GESTION DES CAUSES PORTÉES DEVANT LA COUR DE JUSTICE DE L'ONTARIO

(4) Malgré le paragraphe (2), la règle 40 (gestion des causes portées devant la Cour de justice de l'Ontario) ne s'applique qu'aux causes portées devant la Cour de justice de l'Ontario.

CAUSE EN DROIT DE LA FAMILLE RÉUNIE À UNE AUTRE AFFAIRE

(5) Si une cause portée devant le tribunal réunit une cause en droit de la famille à laquelle s'appliquent les présentes règles à une autre affaire à laquelle celles-ci ne s'appliqueraient pas par ailleurs, les parties peuvent convenir ou le tribunal, sur motion, peut ordonner qu'elles s'appliquent à la cause issue de la réunion ou à une partie de celle-ci.

CONDITIONS ET DIRECTIVES

(6) Lorsqu'il rend une ordonnance, le tribunal peut imposer les conditions et donner les directives appropriées.

SILENCE DES RÈGLES

(7) Si les présentes règles ne traitent pas d'une question adéquatement, le tribunal peut donner des directives, et la pratique est décidée par analogie avec les présentes règles, par recours à la *Loi sur les tribunaux judiciaires* et à la loi régissant la cause et, si le tribunal le juge approprié, par recours aux Règles de procédure civile.

INOBSERVATION DES RÈGLES OU D'UNE ORDONNANCE

(8) En cas d'observation des présentes règles ou d'une ordonnance rendue dans la cause ou dans une cause connexe, le tribunal peut rendre toute ordonnance qu'il juge nécessaire afin d'assurer une résolution équitable de la question, aux conditions qu'il juge appropriées, y compris :

- a) une ordonnance d'adjudication des dépens;
- b) une ordonnance rejetant une demande présentée par une partie qui, à dessein, n'a pas observé les présentes règles ou l'ordonnance.

EMPLOI DES FORMULES

(9) Les formules autorisées par les présentes règles et figurant en appendice sont utilisées s'il y a lieu et peuvent être adaptées au besoin en fonction de la situation.

PRÉSENTATION DES DOCUMENTS ÉCRITS

- (10) Dans une cause, chaque document écrit :
 - a) est dactylographié ou imprimé lisiblement;
 - b) figure sur du papier blanc, ou sur du papier blanc ou presque blanc qui contient du papier recyclé;
 - c) peut figurer au recto seulement ou au recto et au verso de la page.

DIRECTIVES DE PRATIQUE

(11) Les directives, avis, notes ou guides de pratique régissant la conduite des causes dans un secteur sont

- (a) approved in advance by the Chief Justice or Chief Judge of the court;
- (b) filed with the secretary of the Family Rules Committee; and
- (c) published in the *Ontario Reports*.

OLD PRACTICE DIRECTIONS, ETC.

(12) Practice directions, notices, memoranda and guides that were issued before these rules take effect no longer apply.

TRANSITIONAL PROVISION

(13) If a case was started before these rules take effect, the court may, on motion, order that the case or a step in the case be carried on under the rules that applied before these rules take effect.

TRANSITION—OLD FORMS

(14) A form in use under the rules that applied before these rules take effect may continue to be used, if it contains substantially the same information as the form required by these rules, until December 31, 1999.

RULE 2: INTERPRETATION

DEFINITIONS

2. (1) In these rules,

“address” means a person’s street or municipal address, mailing address, telephone number, fax number and electronic mail address; (“adresse”)

“appellant” means a person who starts an appeal; (“appelant”)

“applicant” means a person who starts an application; (“requérant”)

“application” means, as the context requires, the document that starts a case or the procedure by which new cases are brought to the court for a final order or provisional order; (“requête”)

“bond” includes a recognizance, and expressions that refer to the posting of a bond include the act of entering into a recognizance; (“cautionnement”)

“case” means an application or any other method allowed in law for bringing a matter to the court for a final order or provisional order, and includes all motions, enforcements and appeals; (“cause”)

“change”, when used to refer to an order or agreement, means to vary, suspend or discharge, or a variation, suspension or discharge (depending on whether the word is used as a verb or as a noun); (“modifier”, “modification”)

“child” means a child as defined in the Act governing the case or, if not defined in that Act, a person under the age of 18 years, and in a case under the *Divorce Act* (Canada) includes a “child of the marriage” within the meaning of that Act; (“enfant”)

“child protection case” means a case under Part III of the *Child and Family Services Act*; (“cause portant sur la protection d’un enfant”)

“clerk” means a person who has the authority of a clerk or a registrar of the court; (“greffier”)

“contempt motion” means a motion for a contempt order; (“motion pour outrage”)

“contempt order” means an order finding a person in contempt of court; (“ordonnance pour outrage”)

a) approuvés préalablement par le juge en chef du tribunal;

b) déposés auprès du secrétaire du Comité des règles en matière de droit de la famille;

c) publiés dans le Recueil de jurisprudence de l’Ontario.

DIRECTIVES DE PRATIQUE ANTÉRIEURES

(12) Les directives, avis, notes ou guides de pratique qui ont été diffusés avant l’entrée en vigueur des présentes règles ne s’appliquent plus.

DISPOSITION TRANSITOIRE

(13) Le tribunal peut, sur motion, ordonner que la cause qui a été introduite avant l’entrée en vigueur des présentes règles ou une étape de celle-ci soit conduite aux termes des règles qui s’appliquaient alors.

DISPOSITION TRANSITOIRE — ANCIENNES FORMULES

(14) Toute formule en usage aux termes des règles qui s’appliquaient avant l’entrée en vigueur des présentes règles et qui renferme sensiblement les mêmes renseignements que la formule exigée par celles-ci peut continuer d’être utilisée jusqu’au 31 décembre 1999.

RÈGLE 2 : INTERPRÉTATION

DÉFINITIONS

2. (1) Les définitions qui suivent s’appliquent aux présentes règles.

«adresse» S’entend de l’adresse du domicile, de l’adresse postale, du numéro de téléphone, du numéro de télécopieur et de l’adresse de courrier électronique. («address»)

«appelant» Personne qui interjette appel. («appellant»)

«audience sur le défaut» Audience visée à l’article 41 de la *Loi de 1996 sur les obligations familiales et l’exécution des arriérés d’aliments* pour laquelle le payeur est tenu de se rendre au tribunal pour expliquer pourquoi les versements exigés par une ordonnance alimentaire n’ont pas été effectués. («default hearing»)

«avocat» Avocat autorisé à pratiquer en Ontario. («lawyer»)

«bénéficiaire» Personne qui a le droit de recevoir de l’argent ou des dépenses aux termes d’une ordonnance de paiement ou d’un accord, notamment :

a) le tuteur ou la personne qui a la garde d’un enfant et qui a le droit de recevoir de l’argent au profit de celui-ci aux termes d’une ordonnance;

b) dans le cas d’une ordonnance alimentaire rendue en vertu de la *Loi sur le droit de la famille*, un organisme mentionné au paragraphe 33 (3) de cette loi;

c) dans le cas d’une ordonnance alimentaire rendue en vertu de la *Loi sur le divorce* (Canada), une administration mentionnée au paragraphe 20.1 (1) de cette loi;

d) une société d’aide à l’enfance qui a le droit de recevoir de l’argent aux termes d’une ordonnance rendue en vertu de l’article 60 ou du paragraphe 154 (2) de la *Loi sur les services à l’enfance et à la famille* ou de la disposition correspondante d’une loi qu’elle remplace;

e) un évaluateur, un médiateur ou un autre expert qui a le droit de se faire payer ses honoraires et frais par la partie nommée dans l’ordonnance;

f) le fiduciaire de la succession d’une personne qui avait le droit de recevoir de l’argent aux termes d’une ordonnance au moment de son décès. («recipient»)

“continuing record” means the record containing all the written documents in a case that are filed with the court, as continuously updated as required by these rules, but does not include a trial record; (“dossier continu”)

“corporation” *French version only.*

“court” means the court in which a case is being heard; (“tribunal”)

“default hearing” means a hearing under section 41 of the *Family Responsibility and Support Arrears Enforcement Act, 1996* in which a payor is required to come to court to explain why payment has not been made as required by a support order; (“audience sur le défaut”)

“Director of the Family Responsibility Office” means the Director of the Family Responsibility Office under the *Family Responsibility and Support Arrears Enforcement Act, 1996*, and “Director” has the same meaning, unless the context requires otherwise; (“directeur du Bureau des obligations familiales”, “directeur”)

“document” means information, sound or images recorded by any method; (“document”)

“enforcement” means the use of one or more remedies mentioned in rule 26 (enforcement of orders) to enforce an order; (“exécution”)

“file” means to file with proof of service in the court office in the municipality,

(a) where the case or enforcement is started, or

(b) to which the case or enforcement is transferred; (“déposer”)

“final order” means an order, other than a temporary order, that decides a claim in an application, including,

(a) an order made on motion that changes a final order,

(b) a judgment, and

(c) an order that decides a party’s rights, in an issue between the parties or between a party and a non-party; (“ordonnance définitive”)

“government agency” means the Crown, a Crown agency, a municipal government or agency, a children’s aid society or any other public body; (“organisme gouvernemental”)

“income source” has the same meaning as in the *Family Responsibility and Support Arrears Enforcement Act, 1996*; (“source de revenu”)

“lawyer” means a lawyer licensed to practise in Ontario; (“avocat”)

“legal aid rate” means the rate payable by the Ontario Legal Aid Plan on an account submitted by a lawyer for copying in the lawyer’s office; (“tarif de l’aide juridique”)

“mail”, when used as a noun, means ordinary or regular mail, and when used as a verb means to send by ordinary or regular mail; (“poste”)

“municipality” means a county, district, district municipality, regional municipality, the City of Toronto or a municipal corporation formed from the amalgamation of all the municipalities of a county, district, district municipality or regional municipality, and includes,

(a) an Indian reserve within the territorial area of a municipality, and

(b) the part of The Regional Municipality of Niagara that was the County of Lincoln as it existed on December 31, 1969; (“municipalité”)

“on motion” means on motion of a party or a person having an interest in the case; (“sur motion”)

“payment order” means a temporary or final order, but not a provisional order, requiring a person to pay money to another person, including,

«cause» S’entend d’une requête ou de toute autre méthode permise en droit pour porter une affaire devant le tribunal afin qu’il rende une ordonnance définitive ou une ordonnance conditionnelle. S’entend en outre d’une motion, d’une procédure d’exécution et d’un appel. («case»)

«cause portant sur la protection d’un enfant» Cause visée à la partie III de la *Loi sur les services à l’enfance et à la famille*. («child protection case»)

«cautionnement» S’entend notamment d’un engagement, les mots qui expriment l’idée de fournir un cautionnement s’entendant en outre du fait de signer un engagement. («bond»)

«demande portant sur des biens» S’entend, selon le cas :

a) d’une demande visée à la partie I de la *Loi sur le droit de la famille*;

b) d’une demande de constitution d’une fiducie judiciaire ou d’une fiducie par déduction;

c) d’une demande d’indemnité pour enrichissement sans cause. («property claim»)

«déposer» Déposer, avec la preuve de la signification, au greffe de la municipalité, selon le cas :

a) dans laquelle la cause est introduite ou la procédure d’exécution commencée;

b) à laquelle est transférée la cause ou la procédure d’exécution. («file»)

«directeur du Bureau des obligations familiales» Le directeur du Bureau des obligations familiales nommé aux termes de la *Loi de 1996 sur les obligations familiales et l’exécution des arriérés d’aliments*. Le terme «directeur» a le même sens, sauf si le contexte exige une interprétation différente. («Director of the Family Responsibility Office», «Director»)

«document» S’entend des renseignements, des sons ou des images enregistrés par quelque méthode que ce soit. («document»)

«dossier continu» Dossier renfermant tous les documents écrits se rapportant à une cause qui sont déposés auprès du tribunal, tel qu’il est continuellement mis à jour comme l’exigent les présentes règles, à l’exception toutefois d’un dossier de procès. («continuing record»)

«enfant» S’entend d’un enfant au sens de la loi régissant la cause ou, si le terme n’y est pas défini, d’une personne de moins de 18 ans et, dans une cause introduite en vertu de la *Loi sur le divorce* (Canada), d’un enfant à charge au sens de cette loi. («child»)

«exécution» Le recours à une ou à plusieurs mesures de redressement mentionnées à la règle 26 (exécution des ordonnances) aux fins de l’exécution d’une ordonnance. («enforcement»)

«greffier» Personne dotée du pouvoir d’un greffier du tribunal. («clerk»)

«intimé» Personne contre laquelle une demande est présentée dans une requête, une défense ou un appel. («respondent»)

«modifier» Relativement à une ordonnance ou à un accord, s’entend en outre du fait de suspendre ou d’annuler. Le substantif «modification» a un sens correspondant. («change»)

«motion pour outrage» Motion visant à obtenir une ordonnance pour outrage. («contempt motion»)

«municipalité» S’entend d’un comté, d’un district, d’une municipalité de district, d’une municipalité régionale, de la cité de Toronto ou d’une municipalité issue de la fusion de toutes les municipalités d’un comté, d’un district, d’une municipalité de district ou d’une municipalité régionale. S’entend en outre :

a) d’une réserve indienne comprise dans le territoire d’une municipalité;

- (a) an order to pay an amount under Part I or II of the *Family Law Act* or the corresponding provisions of a predecessor Act,
- (b) a support order,
- (c) a support deduction order,
- (d) an order under section 60 or subsection 154 (2) of the *Child and Family Services Act*, or under the corresponding provision of a predecessor Act,
- (e) a payment order made under rules 26 to 32 (enforcement measures) or under section 41 of the *Family Responsibility and Support Arrears Enforcement Act, 1996*,
- (f) a fine for contempt of court,
- (g) an order of forfeiture of a bond or recognizance,
- (h) an order requiring a party to pay the fees and expenses of,
 - (i) an assessor, mediator or other expert named by the court, or
 - (ii) a person conducting a blood test to help determine a child's parentage, and
- (i) the costs and disbursements in a case; ("ordonnance de paiement")

"payor" means a person required to pay money under an order or agreement, and includes the estate trustee of a payor who died; ("payeur")

"periodic payment" means an amount payable at regular intervals and includes an amount payable in instalments; ("paiement périodique")

"property claim" means a claim,

- (a) under Part I of the *Family Law Act*,
- (b) for a constructive or resulting trust, or
- (c) for a monetary award as compensation for unjust enrichment; ("demande portant sur des biens")

"provisional order" means an order that is not effective until confirmed by a court; ("ordonnance conditionnelle")

"recipient" means a person entitled to receive money or costs under a payment order or agreement, including,

- (a) a guardian or person with custody of a child who is entitled to money for the child's benefit under an order,
- (b) in the case of a support order made under the *Family Law Act*, an agency referred to in subsection 33 (3) of that Act,
- (c) in the case of a support order made under the *Divorce Act* (Canada), an agency referred to in subsection 20.1 (1) of that Act,
- (d) a children's aid society entitled to money under an order made under section 60 or subsection 154 (2) of the *Child and Family Services Act*, or the corresponding provision in a predecessor Act,
- (e) an assessor, mediator or other expert entitled to fees and expenses from the party named in the order, and
- (f) the estate trustee of a person who was entitled to money under an order at the time of his or her death; ("bénéficiaire")

"Registrar General" means the Registrar General under the *Vital Statistics Act*; ("registraire général de l'état civil")

"respondent" means a person against whom a claim is made in an application, answer or appeal; ("intimé")

- b) de la partie de la municipalité régionale de Niagara qui constituait le comté de Lincoln tel qu'il existait le 31 décembre 1969. («municipality»)

«ordonnance alimentaire» Ordonnance visée au paragraphe 34 (1) de la *Loi sur le droit de la famille* ou ordonnance alimentaire au sens de l'article 1 de la *Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments*. («support order»)

«ordonnance conditionnelle» Ordonnance qui n'a aucun effet tant qu'elle n'est pas homologuée par un tribunal. («provisional order»)

«ordonnance de paiement» S'entend d'une ordonnance temporaire ou d'une ordonnance définitive, à l'exception d'une ordonnance conditionnelle, exigeant d'une personne qu'elle verse de l'argent à une autre personne, y compris de ce qui suit :

- a) une ordonnance de versement d'un montant visée à la partie I ou II de la *Loi sur le droit de la famille* ou aux dispositions correspondantes d'une loi que celle-ci remplace;
- b) une ordonnance alimentaire;
- c) une ordonnance de retenue des aliments;
- d) une ordonnance visée à l'article 60 ou au paragraphe 154 (2) de la *Loi sur les services à l'enfance et à la famille* ou à la disposition correspondante d'une loi qu'elle remplace;
- e) une ordonnance de paiement rendue aux termes des règles 26 à 32 (mesures d'exécution) ou de l'article 41 de la *Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments*;
- f) une amende pour outrage au tribunal;
- g) une ordonnance de confiscation d'un cautionnement ou d'un engagement;
- h) une ordonnance exigeant d'une partie qu'elle acquitte les honoraires et frais :
 - (i) soit d'un évaluateur, d'un médiateur ou d'un autre expert nommé par le tribunal,
 - (ii) soit d'une personne qui effectue une analyse de sang en vue d'aider à déterminer la filiation d'un enfant;
- i) les dépens et les débours dans une cause. («payment order»)

«ordonnance de retenue des aliments» S'entend au sens de l'article 1 de la *Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments*. («support deduction order»)

«ordonnance définitive» Ordonnance, autre qu'une ordonnance temporaire, qui décide une demande présentée dans le cadre d'une requête, y compris :

- a) une ordonnance rendue sur motion qui modifie une ordonnance définitive;
- b) un jugement;
- c) une ordonnance qui décide des droits d'une partie, dans une question en litige opposant soit les parties, soit une partie et une personne qui n'est pas une partie. («final order»)

«ordonnance pour outrage» Ordonnance déclarant une personne coupable d'outrage au tribunal. («contempt order»)

«ordonnance temporaire» Ordonnance, y compris une ordonnance provisoire, qui indique qu'elle ne produit ses effets que pour une durée limitée. («temporary order»)

«organisme gouvernemental» S'entend de la Couronne et d'une municipalité, de leurs organismes, d'une société d'aide à l'enfance ou d'un autre organisme public. («government agency»)

«paiement périodique» Somme payable à intervalles réguliers, y compris par versements échelonnés. («periodic payment»)

“special party” means a party who is a child or who is or appears to be mentally incapable for the purposes of the *Substitute Decisions Act, 1992* in respect of an issue in the case and who, as a result, requires legal representation, but does not include a child in a custody, access, child protection, adoption or child support case; (“partie spéciale”)

“support deduction order” means a support deduction order as defined in section 1 of the *Family Responsibility and Support Arrears Enforcement Act, 1996*; (“ordonnance de retenue des aliments”)

“support order” means an order described in subsection 34 (1) of the *Family Law Act* or a support order as defined in section 1 of the *Family Responsibility and Support Arrears Enforcement Act, 1996*; (“ordonnance alimentaire”)

“temporary order” means an order that says it is effective only for a limited time, and includes an interim order; (“ordonnance temporaire”)

“transcript” includes an electronic recording; (“transcription”)

“trial” includes a hearing; (“procès”)

“uncontested trial” means a trial at which only the party making the claim provides evidence and submissions. (“procès non contesté”)

«partie spéciale» Partie qui est un enfant ou qui est ou semble être mentalement incapable pour l'application de la *Loi de 1992 sur la prise de décisions au nom d'autrui* à l'égard d'une question en litige dans la cause et qui, par conséquent, a besoin d'être représentée par un avocat. Est toutefois exclu de la présente définition l'enfant concerné dans une cause portant sur la garde, le droit de visite, la protection, l'adoption ou les aliments. («special party»)

«payeur» Personne, y compris le fiduciaire de la succession d'un payeur décédé, qui est tenue de verser de l'argent aux termes d'une ordonnance ou d'un accord. («payor»)

«poste» Envoi par courrier ordinaire. («mail»)

«procès» S'entend en outre d'une audience. («trial»)

«procès non contesté» Procès auquel seule la partie qui présente la demande soumet des preuves et des observations. («uncontested trial»)

«registraire général de l'état civil» S'entend au sens de la *Loi sur les statistiques de l'état civil*. («Registrar General»)

«requérant» Personne qui introduit une requête. («applicant»)

«requête» S'entend, selon le contexte, du document qui introduit une cause ou de la procédure selon laquelle de nouvelles causes sont portées devant le tribunal afin qu'il rende une ordonnance définitive ou une ordonnance conditionnelle. («application»)

«société» Société avec ou sans capital-actions, à l'exclusion d'une société en nom collectif ou en commandite. («corporation»)

«source de revenu» S'entend au sens de la *Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments*. («income source»)

«sur motion» Sur motion d'une partie ou d'une personne ayant un intérêt dans la cause. («on motion»)

«tarif de l'aide juridique» Le tarif payable par le Régime d'aide juridique de l'Ontario à l'égard d'un compte soumis par un avocat pour la copie de documents dans son cabinet. («legal aid rate»)

«transcription» S'entend en outre d'un enregistrement électronique. («transcript»)

«tribunal» Le tribunal devant lequel est entendue une cause. («court»)

PRIMARY OBJECTIVE

(2) The primary objective of these rules is to enable the court to deal with cases justly.

DEALING WITH CASES JUSTLY

(3) Dealing with a case justly includes,

- (a) ensuring that the procedure is fair to all parties;
- (b) saving expense and time;
- (c) dealing with the case in ways that are appropriate to its importance and complexity; and
- (d) giving appropriate court resources to the case while taking account of the need to give resources to other cases.

DUTY TO PROMOTE PRIMARY OBJECTIVE

(4) The court is required to apply these rules to promote the primary objective, and parties and their lawyers are required to help the court to promote the primary objective.

OBJECTIF PREMIER

(2) L'objectif premier des présentes règles est de permettre au tribunal de traiter les causes équitablement.

TRAITEMENT ÉQUITABLE DES CAUSES

(3) Le traitement équitable d'une cause s'entend notamment de ce qui suit :

- a) veiller à ce que la procédure soit équitable envers toutes les parties;
- b) réduire les frais et les délais;
- c) traiter la cause selon des modalités qui tiennent compte de son importance et de son degré de complexité;
- d) allouer les ressources judiciaires appropriées à la cause tout en tenant compte de la nécessité d'allouer des ressources aux autres causes.

OBLIGATION DE PROMOUVOIR L'OBJECTIF PREMIER

(4) Le tribunal est tenu d'appliquer les présentes règles en vue de promouvoir l'objectif premier, et les parties et leurs avocats sont tenus de l'aider à promouvoir cet objectif.

DUTY TO MANAGE CASES

(5) The court shall promote the primary objective by active management of cases, which includes,

- (a) at an early stage, identifying the issues, and separating and disposing of those that do not need full investigation and trial;
- (b) encouraging and facilitating use of alternatives to the court process;
- (c) helping the parties to settle all or part of the case;
- (d) setting timetables or otherwise controlling the progress of the case;
- (e) considering whether the likely benefits of taking a step justify the cost;
- (f) dealing with as many aspects of the case as possible on the same occasion; and
- (g) if appropriate, dealing with the case without parties and their lawyers needing to come to court, on the basis of written documents or by holding a telephone or video conference.

RULE 3: TIME**COUNTING DAYS**

3. (1) In these rules or an order, the number of days between two events is counted as follows:

- 1. The first day is the day after the first event.
- 2. The last day is the day of the second event.

COUNTING DAYS—SHORT PERIODS

(2) If a rule or order provides a period of less than seven days for something to be done, Saturdays, Sundays and other days when all court offices are closed do not count as part of the period.

DAY WHEN COURT OFFICES CLOSED

(3) If the last day of a period of time under these rules or an order falls on a day when court offices are closed, the period ends on the next day they are open.

COUNTING DAYS—EXAMPLES

(4) The following are examples of how time is counted under these rules:

- 1. Notice of a motion must be served not later than four days before the motion date (see subrule 14 (11)). Saturday and Sunday are not counted, because the notice period is less than seven days (see subrule (2)). Service on the day set out in the left column below is in time for the motion to be heard on the day set out in the right column below.

Service on	Motion may be heard on the following
Monday	Friday
Tuesday	Monday
Wednesday	Tuesday

OBLIGATION DE GÉRER LES CAUSES

(5) Le tribunal veille à promouvoir l'objectif premier en gérant activement les causes, ce qui implique ce qui suit :

- a) à un stade précoce, identifier les questions en litige et isoler et trancher celles qui ne nécessitent pas d'enquête approfondie ni de procès;
- b) encourager et faciliter le recours à des modes de règlement extra-judiciaires;
- c) aider les parties à transiger sur tout ou partie de la cause;
- d) fixer un calendrier ou surveiller d'autre façon le déroulement de la cause;
- e) examiner si les avantages probables de l'adoption d'une mesure en justifient le coût;
- f) traiter en une même occasion tous les aspects de la cause qui s'y prêtent;
- g) si cela est approprié, traiter la cause sans que les parties et leurs avocats aient à se rendre au tribunal, en se fondant sur des documents écrits ou en tenant une conférence téléphonique ou une vidéoconférence.

RÈGLE 3 : DÉLAIS**CALCUL DES DÉLAIS**

3. (1) Dans les présentes règles ou dans une ordonnance, le nombre de jours entre deux événements est calculé comme suit :

- 1. Le premier jour correspond au jour qui suit le premier événement.
- 2. Le dernier jour correspond au jour où a lieu le deuxième événement.

CALCUL DES DÉLAIS — COURTS DÉLAIS

(2) Si une règle ou une ordonnance prévoit un délai inférieur à sept jours pour l'accomplissement d'un acte, le samedi, le dimanche et tout autre jour où tous les greffes sont fermés ne sont pas pris en compte dans le calcul du délai.

JOUR DE FERMETURE DES GREFFES

(3) Si le dernier jour d'un délai prévu par les présentes règles ou par une ordonnance tombe un jour où les greffes sont fermés, le délai prend fin le jour suivant où ils sont ouverts.

CALCUL DES DÉLAIS — EXEMPLES

(4) Voici des exemples de la façon dont les délais sont calculés aux termes des présentes règles :

- 1. Un avis de motion doit être signifié au plus tard quatre jours avant la date d'audition de la motion (voir le paragraphe 14 (11)). Le samedi et le dimanche ne sont pas pris en compte, parce que le délai de préavis est inférieur à sept jours (voir le paragraphe (2)). La signification reçue le jour indiqué dans la colonne de gauche ci-dessous est faite à temps pour que l'audition de la motion ait lieu le jour indiqué dans la colonne de droite.

Jour de signification	L'audition de la motion peut se faire :
lundi	le vendredi suivant
mardi	le lundi suivant
mercredi	le mardi suivant

Service on	Motion may be heard on the following
Thursday	Wednesday
Friday	Thursday
Saturday	Thursday
Sunday	Thursday

Jour de signification	L'audition de la motion peut se faire :
jeudi	le mercredi suivant
vendredi	le jeudi suivant
samedi	le jeudi suivant
dimanche	le jeudi suivant

2. A respondent who is served with an application in Canada has 30 days to serve an answer (see subrule 10 (1)). A respondent who is served with an application on October 1 is in time if the answer is served on or before October 31. A respondent served on November 1 is in time if the answer is served on or before December 1.
3. If the last day for doing something under these rules or an order is New Year's Day, January 1, which is a day when court offices are closed, the time expires on January 2. If January 2 is a Saturday, Sunday or other day when court offices are closed, the time expires on January 3. If January 3 is a day when court offices are closed, the time expires on January 4.

2. L'intimé à qui est signifiée une requête au Canada dispose de 30 jours pour signifier une défense (voir le paragraphe 10 (1)). L'intimé à qui est signifiée une requête le 1^{er} octobre respecte le délai si sa défense est signifiée au plus tard le 31 octobre. L'intimé qui reçoit signification le 1^{er} novembre respecte le délai si sa défense est signifiée au plus tard le 1^{er} décembre.
3. Si le dernier jour pour accomplir un acte aux termes des présentes règles ou d'une ordonnance tombe le jour de l'An, soit le 1^{er} janvier, qui est un jour où les greffes sont fermés, le délai expire le 2 janvier. Si le 2 janvier est un samedi, un dimanche ou un autre jour où les greffes sont fermés, le délai expire le 3 janvier. Si le 3 janvier est un jour où les greffes sont fermés, le délai expire le 4 janvier.

ORDER TO LENGTHEN OR SHORTEN TIME

(5) The court may make an order to lengthen or shorten any time set out in these rules or an order, except that it may lengthen a time set out in subrule 33 (1) (timetable for child protection cases) only if the best interests of the child require it.

ORDONNANCE DE PROLONGATION OU D'ABRÈGEMENT D'UN DÉLAI

(5) Le tribunal peut rendre une ordonnance prolongeant ou abrégant tout délai fixé dans les présentes règles ou dans une ordonnance. Toutefois, il ne peut prolonger un délai fixé au paragraphe 33 (1) (calendrier des causes portant sur la protection d'un enfant) que si l'intérêt véridique de l'enfant l'exige.

WRITTEN CONSENT TO LENGTHEN OR SHORTEN TIME

(6) The parties may, by consent in writing, lengthen or shorten any time set out in these rules, except that they may not lengthen a time set out in subrule 33 (1) (timetable for child protection cases), rule 39 (case management in Family Court of Superior Court of Justice) or rule 40 (case management in Ontario Court of Justice).

CONSETEMENT ÉCRIT À LA PROLONGATION OU À L'ABRÈGEMENT D'UN DÉLAI

(6) Les parties peuvent, par consentement écrit, prolonger ou abrégé tout délai fixé dans les présentes règles. Toutefois, elles ne peuvent prolonger un délai fixé au paragraphe 33 (1) (calendrier des causes portant sur la protection d'un enfant), à la règle 39 (gestion des causes portées devant la Cour de la famille de la Cour supérieure de justice) ou à la règle 40 (gestion des causes portées devant la Cour de justice de l'Ontario).

LATE DOCUMENTS REFUSED BY COURT OFFICE

(7) The staff at a court office shall refuse to file any document that is presented for filing after the time set out in these rules, a consent under subrule (6), an order or a statute that applies to the case, unless the court orders otherwise.

REFUS PAR LE GREFFE DES DOCUMENTS PRÉSENTÉS EN RETARD

(7) Sauf ordonnance contraire du tribunal, le personnel du greffe refuse de déposer tout document qui y est présenté à cette fin après le délai fixé dans les présentes règles, dans un consentement mentionné au paragraphe (6), dans une ordonnance ou dans une loi qui s'applique à la cause.

RULE 4: REPRESENTATION

REPRESENTATION FOR A PARTY

4. (1) A party may,
 - (a) appear without a lawyer or other representative;
 - (b) be represented by a lawyer; or
 - (c) be represented by a person who is not a lawyer, but only if the court gives permission in advance.

PRIVATE REPRESENTATION OF SPECIAL PARTY

(2) The court may authorize a person to represent a special party if the person is,

- (a) appropriate for the task; and
- (b) willing to act as representative.

RÈGLE 4 : REPRÉSENTATION

REPRÉSENTATION D'UNE PARTIE

4. (1) Une partie dans une cause peut, selon le cas :
 - a) se présenter sans avocat ou autre représentant;
 - b) être représentée par un avocat;
 - c) être représentée par une personne qui n'est pas un avocat, mais seulement avec la permission préalable du tribunal.

REPRÉSENTATION D'UNE PARTIE SPÉCIALE

(2) Le tribunal peut autoriser une personne à représenter une partie spéciale si la personne :

- a) d'une part, est apte à s'acquitter de cette tâche;
- b) d'autre part, accepte d'agir en cette qualité.

PUBLIC LAW OFFICER TO REPRESENT SPECIAL PARTY

(3) If there is no appropriate person willing to act as a special party's representative, the court may authorize the Children's Lawyer or the Public Guardian and Trustee to act as representative, but only with that official's consent.

SERVICE OF AUTHORIZATION TO REPRESENT

(4) An order under subrule (2) or (3) shall be served immediately, by the person who asked for the order or by any other person named by the court,

- (a) on the representative; and
- (b) on every party in the case.

REPRESENTATION OF PARTY WHO DIES

(5) If a party dies after the start of a case, the court may make the estate trustee a party instead, on motion without notice.

AUTHORIZING REPRESENTATIVE FOR PARTY WHO DIES

(6) If the party has no estate trustee, the court may authorize an appropriate person to act as representative, with that person's consent, given in advance.

LAWYER FOR CHILD

(7) In a case that involves a child who is not a party, the court may authorize a lawyer to represent the child, and then the child has the rights of a party, unless the court orders otherwise.

CHILD'S RIGHTS SUBJECT TO STATUTE

(8) Subrule (7) is subject to section 38 (legal representation of child, protection hearing) and subsection 114 (6) (legal representation of child, secure treatment hearing) of the *Child and Family Services Act*.

CHOICE OF LAWYER

- (9) A party appearing without a lawyer may choose a lawyer by,
 - (a) serving on every other party and filing a notice of change in representation (Form 4) containing the lawyer's consent to act; or
 - (b) having a lawyer come to court on the party's behalf.

CHANGE IN REPRESENTATION

(10) A party represented by a lawyer may, by serving on every other party and filing a notice of change in representation (Form 4),

- (a) change lawyers; or
- (b) appear without a lawyer.

NOTICE OF CHANGE IN REPRESENTATION

- (11) A notice of change in representation shall,
 - (a) contain the party's address for service, if the party wants to appear without a lawyer; or
 - (b) show the name and address of the new lawyer, if the party wants to change lawyers.

LAWYER'S REMOVAL FROM THE CASE

(12) A lawyer may make a motion for an order to be removed from the case, with notice to the client and to,

REPRÉSENTATION D'UNE PARTIE SPÉCIALE PAR UN AVOCAT PUBLIC

(3) Si aucune personne apte à agir en qualité de représentant d'une partie spéciale n'accepte de le faire, le tribunal peut autoriser l'avocat des enfants ou le Tuteur et curateur public à agir en cette qualité, mais seulement avec son consentement.

SIGNIFICATION DE L'AUTORISATION DE REPRÉSENTER

(4) L'ordonnance rendue en vertu du paragraphe (2) ou (3) est signifiée immédiatement par la personne qui l'a demandée ou par toute autre personne que désigne le tribunal :

- a) d'une part, au représentant;
- b) d'autre part, à chaque partie à la cause.

REPRÉSENTATION D'UNE PARTIE QUI DÉCÈDE

(5) Si une partie décède après l'introduction d'une cause, le tribunal peut, sur motion présentée sans préavis, faire du fiduciaire de la succession une partie à la place du défunt.

AUTORISATION D'UNE PERSONNE POUR REPRÉSENTER UNE PARTIE QUI DÉCÈDE

(6) Si la partie n'a pas de fiduciaire de la succession, le tribunal peut autoriser une personne apte à cette fin à agir en qualité de représentant avec son consentement préalable.

AVOCAT DE L'ENFANT

(7) Dans une cause qui concerne un enfant qui n'est pas une partie, le tribunal peut autoriser un avocat à représenter l'enfant et celui-ci a alors les droits d'une partie, sauf ordonnance contraire du tribunal.

DROITS DE L'ENFANT ASSUJETTIS À UNE LOI

(8) Le paragraphe (7) est assujéti à l'article 38 (représentation de l'enfant par un avocat, audience portant sur la protection) et au paragraphe 114 (6) (représentation de l'enfant par un avocat, audience portant sur le traitement en milieu fermé) de la *Loi sur les services à l'enfance et à la famille*.

CHOIX D'UN AVOCAT

- (9) La partie qui se présente sans avocat peut en choisir un :
 - a) soit en signifiant à chacune des autres parties un avis de changement de représentation (formule 4) comportant le consentement à agir de l'avocat et en le déposant;
 - b) soit en faisant en sorte qu'un avocat se rende au tribunal en son nom.

CHANGEMENT DE REPRÉSENTATION

(10) Une partie représentée par un avocat peut, en signifiant à chacune des autres parties un avis de changement de représentation (formule 4) et en le déposant :

- a) soit changer d'avocat;
- b) soit se présenter sans avocat.

AVIS DE CHANGEMENT DE REPRÉSENTATION

- (11) L'avis de changement de représentation :
 - a) soit comporte la mention de l'adresse aux fins de signification de la partie, si elle désire se présenter sans avocat;
 - b) soit indique les nom et adresse du nouvel avocat, si la partie désire changer d'avocat.

RÉVOCATION D'UN AVOCAT DE LA CAUSE

(12) Un avocat peut présenter une motion visant à obtenir une ordonnance le révoquant de la cause avec préavis donné au client et :

- (a) the Children's Lawyer, if the client is a child;
- (b) the Public Guardian and Trustee, if the client is or appears to be mentally incapable in respect of an issue in the case.

NOTICE OF MOTION TO REMOVE LAWYER

(13) Notice of a motion to remove a lawyer shall also be served on the other parties to the case, but the evidence in support of the motion shall not be served on them, shall not be put into the continuing record and shall not be kept in the court file after the motion is heard.

AFFIDAVIT IN SUPPORT OF MOTION TO REMOVE LAWYER

(14) The affidavit in support of the motion shall indicate what stage the case is at, the next event in the case and any scheduled dates.

CONTENTS AND SERVICE OF ORDER REMOVING LAWYER

- (15) The order removing the lawyer from the case shall,
 - (a) set out the client's last known address for service; and
 - (b) be served on all other parties, served on the client by mail, fax or electronic mail at the client's last known address and filed immediately.

RULE 5: WHERE A CASE STARTS AND IS TO BE HEARD

WHERE CASE STARTS

5. (1) Subject to sections 21.8 and 21.11 of the *Courts of Justice Act* (territorial jurisdiction—Family Court), a case shall be started,

- (a) in the municipality where a party resides;
- (b) if the case deals with custody of or access to a child, in the municipality where the child ordinarily resides, except for cases described in,
 - (i) section 22 (jurisdiction of an Ontario court) of the *Children's Law Reform Act*, and
 - (ii) subsection 48 (2) (place for child protection hearing) and subsection 150 (1) (place for adoption proceeding) of the *Child and Family Services Act*; or
- (c) in a municipality chosen by all parties, but only with the court's permission given in advance in that municipality.

STARTING CASE—DANGER TO CHILD OR PARTY

(2) Subject to sections 21.8 and 21.11 of the *Courts of Justice Act*, if there is immediate danger that a child may be removed from Ontario or immediate danger to a child's or party's health or safety, a party may start a case in any municipality and a motion may be heard in that municipality, but the case shall be transferred to a municipality referred to in subrule (1) immediately after the motion is heard, unless the court orders otherwise.

CLERK TO REFUSE DOCUMENTS IF CASE IN WRONG PLACE

- (3) The clerk shall refuse to accept an application for filing unless,
 - (a) the case is started in the municipality where a party resides;

- a) à l'avocat des enfants, si le client est un enfant;
- b) au Tuteur et curateur public, si le client est ou semble être mentalement incapable à l'égard d'une question en litige dans la cause.

AVIS DE MOTION EN RÉVOCATION D'UN AVOCAT

(13) L'avis de motion en révocation d'un avocat est également signifié aux autres parties à la cause; toutefois, les preuves à l'appui de la motion ne leur sont pas signifiées, ne sont pas versées au dossier continu et ne sont pas conservées dans le dossier du greffe après l'audition de la motion.

AFFIDAVIT À L'APPUI DE LA MOTION EN RÉVOCATION D'UN AVOCAT

(14) L'affidavit à l'appui de la motion indique l'étape à laquelle la cause est rendue, l'étape suivante ainsi que toutes dates déjà fixées.

CONTENU ET SIGNIFICATION DE L'ORDONNANCE DE RÉVOCATION DE L'AVOCAT

- (15) L'ordonnance révoquant l'avocat de la cause :
 - a) d'une part, indique la dernière adresse connue aux fins de signification du client;
 - b) d'autre part, est signifiée aux autres parties et signifiée au client par la poste, par télécopie ou par courrier électronique à sa dernière adresse connue, et est déposée immédiatement.

RÈGLE 5 : LIEU OÙ UNE CAUSE EST INTRODUITE ET DOIT ÊTRE ENTENDUE

LIEU OÙ UNE CAUSE EST INTRODUITE

5. (1) Sous réserve des articles 21.8 et 21.11 de la *Loi sur les tribunaux judiciaires* (compétence territoriale — Cour de la famille), une cause est introduite :

- a) dans la municipalité où réside une partie;
- b) si elle porte sur la garde d'un enfant ou le droit de visite à un enfant, dans la municipalité où l'enfant réside habituellement, sauf s'il s'agit d'une cause mentionnée aux dispositions suivantes :
 - (i) l'article 22 (compétence d'un tribunal ontarien) de la *Loi portant réforme du droit de l'enfance*,
 - (ii) le paragraphe 48 (2) (lieu de l'audience portant sur la protection d'un enfant) et le paragraphe 150 (1) (lieu de l'instance portant sur une adoption) de la *Loi sur les services à l'enfance et à la famille*;
- c) dans la municipalité que choisissent les parties d'un commun accord, mais seulement si la permission du tribunal de cette municipalité y est donnée préalablement.

INTRODUCTION D'UNE CAUSE — MISE EN DANGER D'UN ENFANT OU D'UNE PARTIE

(2) Sous réserve des articles 21.8 et 21.11 de la *Loi sur les tribunaux judiciaires*, s'il existe un risque immédiat qu'un enfant puisse être retiré de l'Ontario ou un danger immédiat pour la santé ou la sécurité d'un enfant ou d'une partie, une cause peut être introduite dans toute municipalité et une motion peut y être entendue. Toutefois, sauf ordonnance contraire du tribunal, la cause est transférée à une municipalité visée au paragraphe (1) immédiatement après l'audition de la motion.

REFUS PAR LE GREFFIER DES DOCUMENTS SI LA CAUSE EST INTRODUITE AU MAUVAIS ENDROIT

- (3) Le greffier refuse le dépôt d'une requête à moins que l'une ou l'autre des conditions suivantes ne soit remplie :
 - a) la cause est introduite dans la municipalité où réside une partie;

- (b) the case deals with custody of or access to a child and is started in the municipality where the child ordinarily resides;
- (c) the case is started in a municipality chosen by all parties and the order permitting the case to be started there is filed with the application; or
- (d) the lawyer or party asking to file the application says in writing that the case is one that is permitted by clause (1) (b) or subrule (2) to be started in that municipality.

PLACE FOR STEPS OTHER THAN ENFORCEMENT

(4) All steps in the case, other than enforcement, shall take place in the municipality where the case is started or transferred.

PLACE FOR ENFORCEMENT—PAYMENT ORDERS

(5) All steps in enforcement of a payment order, including a motion to suspend a support deduction order, shall take place,

- (a) in the municipality where the recipient resides;
- (b) if the recipient does not reside in Ontario, in the municipality where the order is filed with the court for enforcement;
- (c) if the person enforcing the order consents, in the municipality where the payor resides; or
- (d) in a motion under section 26 (income source dispute) of the *Family Responsibility and Support Arrears Enforcement Act, 1996*, in the municipality where the income source resides.

PLACE FOR ENFORCEMENT—OTHER ORDERS

(6) All steps in the enforcement of an order other than a payment order shall take place,

- (a) if the order involves custody of or access to a child,
 - (i) in the municipality where the child ordinarily resides, or
 - (ii) if the child does not ordinarily reside in Ontario, in the municipality to which the child has the closest connection;
- (b) if the order involves property, in the municipality where the person enforcing the order resides or the municipality where the property is located; or
- (c) in a municipality chosen by all parties, but only with the court's permission given in advance in that municipality.

ALTERNATIVE PLACE FOR ENFORCEMENT—ORDER ENFORCED BY CONTEMPT MOTION

(7) An order, other than a payment order, that is being enforced by a contempt motion may also be enforced in the municipality in which the order was made.

TRANSFER TO ANOTHER MUNICIPALITY

(8) If it is substantially more convenient to deal with a case or any step in the case in another municipality, the court may, on motion, order that the case or step be transferred there.

- b) la cause porte sur la garde d'un enfant ou le droit de visite à un enfant et est introduite dans la municipalité où l'enfant réside habituellement;
- c) la cause est introduite dans une municipalité que choisissent les parties d'un commun accord et l'ordonnance permettant que la cause y soit introduite est déposée avec la requête;
- d) l'avocat ou la partie qui demande le dépôt de la requête indique par écrit que la cause peut être introduite dans cette municipalité en vertu de l'alinéa (1) b) ou du paragraphe (2).

LIEU DU DÉROULEMENT DES ÉTAPES AUTRES QUE L'EXÉCUTION

(4) Toutes les étapes de la cause, à l'exception de l'exécution, se déroulent dans la municipalité où la cause est introduite ou transférée.

LIEU DE DÉROULEMENT DES ÉTAPES DE L'EXÉCUTION — ORDONNANCES DE PAIEMENT

(5) Toutes les étapes de l'exécution d'une ordonnance de paiement, y compris une motion en suspension d'une ordonnance de retenue des aliments, se déroulent :

- a) dans la municipalité où réside le bénéficiaire;
- b) si le bénéficiaire ne réside pas en Ontario, dans la municipalité où l'ordonnance est déposée auprès du tribunal aux fins d'exécution;
- c) si la personne qui exécute l'ordonnance y consent, dans la municipalité où réside le payeur;
- d) dans le cas d'une motion présentée en vertu de l'article 26 (conflit concernant la source de revenu) de la *Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments*, dans la municipalité où réside la source de revenu.

LIEU DE DÉROULEMENT DES ÉTAPES DE L'EXÉCUTION — AUTRES ORDONNANCES

(6) Toutes les étapes de l'exécution d'une ordonnance autre qu'une ordonnance de paiement se déroulent :

- a) si l'ordonnance traite de la garde d'un enfant ou du droit de visite à un enfant :
 - (i) soit dans la municipalité où l'enfant réside habituellement,
 - (ii) soit, si l'enfant ne réside pas habituellement en Ontario, dans la municipalité où il a les liens les plus étroits;
- b) si l'ordonnance traite de biens, dans la municipalité où réside la personne qui exécute l'ordonnance ou dans la municipalité où sont situés les biens;
- c) dans la municipalité que choisissent les parties d'un commun accord, mais seulement si la permission du tribunal de cette municipalité y est donnée préalablement.

AUTRE LIEU DE DÉROULEMENT DES ÉTAPES DE L'EXÉCUTION — ORDONNANCE EXÉCUTÉE PAR UNE MOTION POUR OUTRAGE

(7) L'ordonnance, autre qu'une ordonnance de paiement, qui est exécutée par une motion pour outrage peut également être exécutée dans la municipalité dans laquelle l'ordonnance a été rendue.

TRANSFERT À UNE AUTRE MUNICIPALITÉ

(8) S'il est nettement plus commode de traiter une cause ou une étape de celle-ci dans une autre municipalité, le tribunal peut, sur motion, ordonner que la cause ou l'étape y soit transférée.

CHANGE OF PLACE FOR CHILD PROTECTION CASE

(9) Notice of a motion under subsection 48 (3) of the *Child and Family Services Act* to transfer a case to a place within the jurisdiction of another children's aid society shall be served on the parties and the other children's aid society, with the evidence in support of the motion.

RULE 6: SERVICE OF DOCUMENTS**METHODS OF SERVICE**

6. (1) Service of a document under these rules may be carried out by regular service or by special service in accordance with this rule, unless an Act, rule or order provides otherwise.

REGULAR SERVICE

- (2) Regular service of a document on a person is carried out by,
- (a) mailing a copy to the person's lawyer or, if none, to the person;
 - (b) sending a copy by courier to the person's lawyer or, if none, to the person;
 - (c) depositing a copy at a document exchange to which the person's lawyer belongs;
 - (d) faxing a copy to the person's lawyer or, if none, to the person; or
 - (e) carrying out special service.

SPECIAL SERVICE

- (3) Special service of a document on a person is carried out by,
- (a) leaving a copy,
 - (i) with the person to be served,
 - (ii) if the person is or appears to be mentally incapable in respect of an issue in the case, with the person and with the guardian of the person's property or, if none, with the Public Guardian and Trustee,
 - (iii) if the person is a child, with the child and with the child's lawyer, if any,
 - (iv) if the person is a corporation, with an officer, director or agent of the corporation, or with a person at any place of business of the corporation who appears to be managing the place, or
 - (v) if the person is a children's aid society, with an officer, director or employee of the society;
 - (b) leaving a copy with the person's lawyer of record in the case, or with a lawyer who accepts service in writing on a copy of the document;
 - (c) mailing a copy to the person, together with an acknowledgment of service in the form of a prepaid return postcard (Form 6), all in an envelope that is addressed to the person and has the sender's return address (but service under this clause is not valid unless the return postcard, signed by the person, is filed in the continuing record); or
 - (d) leaving a copy at the person's place of residence, in an envelope addressed to the person, with anyone who appears to be an adult person resident at the same address and, on the same day or on the next, mailing another copy to the person at that address.

CHANGEMENT DU LIEU D'AUDITION D'UNE CAUSE PORTANT SUR LA PROTECTION D'UN ENFANT

(9) L'avis de motion présenté en vertu du paragraphe 48 (3) de la *Loi sur les services à l'enfance et à la famille* en vue du transfert d'une cause à un lieu situé dans le territoire d'une autre société d'aide à l'enfance est signifié aux parties et à cette autre société, avec les preuves à l'appui de la motion.

RÈGLE 6 : SIGNIFICATION DE DOCUMENTS**MODES DE SIGNIFICATION**

6. (1) Sauf disposition contraire d'une loi, d'une règle ou d'une ordonnance, tout document prévu par les présentes règles peut être signifié par voie de signification ordinaire ou par voie de signification spéciale conformément à la présente règle.

SIGNIFICATION ORDINAIRE

(2) La signification ordinaire d'un document à une personne s'effectue par l'un ou l'autre des moyens suivants :

- a) en envoyant une copie du document par la poste à l'avocat de la personne ou, si elle n'en a pas, à la personne même;
- b) en envoyant une copie du document par messagerie à l'avocat de la personne ou, si elle n'en a pas, à la personne même;
- c) en déposant une copie du document à un centre de distribution de documents auquel l'avocat de la personne appartient;
- d) en transmettant une copie du document par télécopie à l'avocat de la personne ou, si elle n'en a pas, à la personne même;
- e) en recourant à la signification spéciale.

SIGNIFICATION SPÉCIALE

(3) La signification spéciale d'un document à une personne s'effectue par l'un ou l'autre des moyens suivants :

- a) en remettant une copie du document, selon le cas :
 - (i) à la personne qui doit recevoir signification,
 - (ii) si la personne est ou semble être mentalement incapable à l'égard d'une question en litige dans la cause, à elle-même ainsi qu'à son tuteur aux biens ou, si elle n'en a pas, au Tuteur et curateur public,
 - (iii) si la personne est un enfant, à lui-même et à son avocat, s'il en a un,
 - (iv) si la personne est une société, à un de ses dirigeants, administrateurs ou mandataires, ou à une personne qui se trouve dans un établissement de la société et paraît assumer la direction de cet établissement,
 - (v) si la personne est une société d'aide à l'enfance, à un de ses dirigeants, administrateurs ou employés;
- b) en remettant une copie du document à l'avocat de la personne commis au dossier dans la cause ou à un avocat qui en accepte la signification par écrit sur une copie du document;
- c) en envoyant par la poste à la personne une copie du document accompagnée d'un accusé de réception de la signification sous forme d'une carte postale de réponse affranchie (formule 6), le tout dans une enveloppe adressée à la personne et portant l'adresse de l'expéditeur (toutefois, la signification prévue au présent alinéa n'est valable que si la carte postale de réponse, signée par la personne, est déposée dans le dossier continu);
- d) en laissant au domicile de la personne une copie du document, dans une enveloppe adressée à la personne, entre les mains de quiconque paraît être majeur et semble habiter sous le même toit qu'elle, et en envoyant une autre copie par la poste le même jour ou le lendemain à la personne à cette même adresse.

SPECIAL SERVICE—DOCUMENTS THAT COULD LEAD TO IMPRISONMENT

(4) Special service of the following documents shall be carried out only by a method set out in subclause (3) (a), unless the court orders otherwise:

1. A notice of contempt motion.
2. A summons to witness.
3. A notice of motion or notice of default hearing in which the person to be served faces a possibility of imprisonment.

REGULAR SERVICE AT ADDRESS ON LATEST DOCUMENT

(5) Regular service may be carried out at the address for service shown on the latest document filed by the person to be served.

NOTICE OF ADDRESS CHANGE

(6) A party whose address for service changes shall immediately serve notice of the change on the other parties and file it.

SERVICE OUTSIDE BUSINESS HOURS

(7) If a document is served by any method after 4 p.m. on a day when court offices are open or at any time on a day when they are not open, service is effective on the next day when they are open.

HOURS OF FAX SERVICE

(8) Service of a document by fax may be carried out only before 4 p.m. on a day when court offices are open, unless the parties consent or the court orders otherwise.

EFFECTIVE DATE, SERVICE BY MAIL

(9) Service of a document by mail is effective on the fifth day after it was mailed.

EFFECTIVE DATE, SERVICE BY COURIER

(10) Service of a document by courier is effective on the day after the courier picks it up.

EFFECTIVE DATE, SERVICE BY DOCUMENT EXCHANGE

(11) Service by deposit at a document exchange is effective only if the copy deposited and an additional copy of the document are date-stamped by the document exchange in the presence of the person depositing the copy, and then service is effective on the day after the date on the stamp.

INFORMATION TO BE INCLUDED WITH DOCUMENT SERVED BY FAX

- (12) A document that is served by fax shall show, on its first page,
- (a) the sender's name, address, telephone number and fax number;
 - (b) the name of the person or lawyer to be served;
 - (c) the date and time of the fax;
 - (d) the total number of pages faxed; and
 - (e) the name and telephone number of a person to contact in case of transmission difficulties.

SIGNIFICATION SPÉCIALE — DOCUMENTS POUVANT MENER À L'EMPRISONNEMENT

(4) Sauf ordonnance contraire du tribunal, la signification spéciale des documents suivants ne s'effectue que par un mode de signification énoncé à l'alinéa (3) a) :

1. Un avis de motion pour outrage.
2. Une assignation de témoin.
3. Un avis de motion ou un avis d'audience sur le défaut selon lequel la personne qui doit recevoir signification s'expose à une peine d'emprisonnement.

SIGNIFICATION ORDINAIRE À L'ADRESSE FIGURANT SUR LE PLUS RÉCENT DOCUMENT

(5) La signification ordinaire peut être effectuée à l'adresse aux fins de signification figurant sur le plus récent document déposé par la personne qui doit recevoir signification.

AVIS DE CHANGEMENT D'ADRESSE

(6) Dès que son adresse aux fins de signification change, la partie signifie un avis du changement aux autres parties et le dépose.

SIGNIFICATION APRÈS LES HEURES D'OUVERTURE

(7) Si un document est signifié de quelque façon que ce soit après 16 heures un jour où les greffes sont ouverts ou à n'importe quelle heure un jour où ils ne le sont pas, la signification est valable le jour suivant où ils sont ouverts.

HEURES PRÉVUES POUR LA SIGNIFICATION PAR TÉLÉCOPIE

(8) Sauf consentement des parties ou ordonnance contraire du tribunal, la signification d'un document par télécopie ne peut s'effectuer qu'avant 16 heures un jour où les greffes sont ouverts.

DATE D'EFFET — SIGNIFICATION PAR LA POSTE

(9) La signification d'un document par la poste est valable le cinquième jour suivant sa mise à la poste.

DATE D'EFFET — SIGNIFICATION PAR MESSAGERIE

(10) La signification d'un document par messagerie est valable le jour suivant celui où le messenger passe le prendre.

DATE D'EFFET — SIGNIFICATION PAR L'ENTREMISE D'UN CENTRE DE DISTRIBUTION DE DOCUMENTS

(11) La signification d'un document par voie de dépôt à un centre de distribution de documents n'est valable que si le préposé appose, en présence de la personne qui lui a remis la copie, le timbre dateur sur la copie déposée et sur une autre copie du document, la signification étant alors valable le jour suivant la date du timbre dateur.

RENSEIGNEMENTS À INCLURE AVEC LE DOCUMENT SIGNIFIÉ PAR TÉLÉCOPIE

(12) Le document qui est signifié par télécopie indique sur la première page les renseignements suivants :

- a) les nom, adresse et numéros de téléphone et de télécopieur de l'expéditeur;
- b) le nom de la personne ou de l'avocat à qui le document doit être signifié;
- c) les date et heure de la télécopie;
- d) le nombre total de pages transmises par télécopie;
- e) les nom et numéro de téléphone d'une personne avec laquelle on peut communiquer en cas de difficultés de transmission.

MAXIMUM LENGTH OF DOCUMENT THAT MAY BE FAXED

(13) Service of a document or documents relating to a single step in a case may be carried out by fax only if the total number of pages (including any cover page or back sheet) is not more than 16, unless the parties consent in advance or the court orders otherwise.

DOCUMENTS THAT MAY NOT BE FAXED

(14) A trial record, appeal record, factum or book of authorities may not be served by fax at any time unless the person to be served consents in advance.

SUBSTITUTED SERVICE

(15) The court may, on motion without notice, order that a document be served by substituted service, using a method chosen by the court, if the party making the motion,

- (a) provides detailed evidence showing,
 - (i) what steps have been taken to locate the person to be served, and
 - (ii) if the person has been located, what steps have been taken to serve the document on that person; and
- (b) shows that the method of service could reasonably be expected to bring the document to the person's attention.

SERVICE NOT REQUIRED

(16) The court may, on motion without notice, order that service is not required if,

- (a) reasonable efforts to locate the person to be served have not been or would not be successful; and
- (b) there is no method of substituted service that could reasonably be expected to bring the document to the person's attention.

SERVICE BY ADVERTISEMENT

(17) If the court orders service by advertisement, Form 6A shall be used

APPROVING IRREGULAR SERVICE

(18) When a document has been served by a method not allowed by these rules or by an order, the court may make an order approving the service if the document,

- (a) came to the attention of the person to be served; or
- (b) would have come to the person's attention if the person had not been evading service.

PROOF OF SERVICE

(19) Service of a document may be proved by,

- (a) an acceptance or admission of service, written by the person to be served or the person's lawyer;
- (b) an affidavit of service (Form 6B);
- (c) the return postcard mentioned in clause (3) (c); or
- (d) the date stamp on a copy of the document served by deposit at a document exchange.

LONGUEUR MAXIMALE DU DOCUMENT POUVANT ÊTRE TÉLÉCOPIÉ

(13) Sauf consentement préalable des parties ou ordonnance contraire du tribunal, la signification d'un ou de plusieurs documents se rapportant à une seule étape d'une cause ne peut s'effectuer par télécopie que si le nombre total de pages, y compris toute page couverture ou feuille arrière, ne dépasse pas 16.

DOCUMENTS QUI NE PEUVENT PAS ÊTRE TÉLÉCOPIÉS

(14) Un dossier de procès, un dossier d'appel, un mémoire ou un recueil des éléments de doctrine et de jurisprudence ne peut pas être signifié par télécopie à quelque moment que ce soit, sauf si la personne qui doit en recevoir signification y consent au préalable.

SIGNIFICATION INDIRECTE

(15) Le tribunal peut, sur motion présentée sans préavis, ordonner qu'un document soit signifié par signification indirecte selon le mode qu'il choisit si la partie qui présente la motion :

- a) soumet des preuves détaillées de ce qui suit :
 - (i) les démarches qui ont été entreprises pour trouver la personne qui doit recevoir signification,
 - (ii) si on a trouvé la personne, les démarches qui ont été entreprises pour lui signifier le document;
- b) démontre que le mode de signification porterait selon toutes attentes raisonnables le document à la connaissance de la personne.

SIGNIFICATION NON REQUISE

(16) Le tribunal peut, sur motion présentée sans préavis, ordonner que la signification ne sera pas requise si les conditions suivantes sont réunies :

- a) des efforts raisonnables pour trouver la personne qui doit recevoir signification n'ont pas donné ou ne donneraient pas de résultats;
- b) il n'y a pas de mode de signification indirecte qui pourrait, selon toutes attentes raisonnables, porter le document à la connaissance de la personne.

SIGNIFICATION PAR PUBLICATION D'UNE ANNONCE

(17) Si le tribunal ordonne la signification par publication d'une annonce, la formule 6A est utilisée.

APPROBATION D'UNE SIGNIFICATION IRRÉGULIÈRE

(18) Lorsqu'un document a été signifié par un mode de signification non permis par les présentes règles ou par une ordonnance, le tribunal peut rendre une ordonnance approuvant la signification si le document :

- a) soit a été porté à la connaissance de la personne qui doit recevoir signification;
- b) soit aurait été porté à la connaissance de la personne si elle ne s'était pas soustraite à la signification.

PREUVE DE LA SIGNIFICATION

(19) La signification d'un document peut être établie par l'un ou l'autre des moyens suivants :

- a) une acceptation ou admission de la signification, donnée par écrit par la personne qui doit recevoir signification ou par son avocat;
- b) un affidavit de signification (formule 6B);
- c) la carte postale de réponse mentionnée à l'alinéa (3) c);
- d) le sceau du timbre dateur apposé sur une copie du document signifié par voie de dépôt à un centre de distribution de documents.

RULE 7: PARTIES**WHO ARE PARTIES—CASE**

7. (1) A person who makes a claim in a case or against whom a claim is made in a case is a party to the case.

WHO ARE PARTIES—MOTION

(2) For purposes of a motion only, a person who is affected by a motion is also a party, but this does not apply to a child affected by a motion relating to custody, access, child protection, adoption or child support.

PERSONS WHO MUST BE NAMED AS PARTIES

- (3) A person starting a case shall name,
 - (a) as an applicant, every person who makes a claim;
 - (b) as a respondent,
 - (i) every person against whom a claim is made, and
 - (ii) every other person who should be a party to enable the court to decide all the issues in the case.

PARTIES IN CASES INVOLVING CHILDREN

(4) In any of the following cases, every parent or other person who has care and control of the child involved, except a foster parent under the *Child and Family Services Act*, shall be named as a party, unless the court orders otherwise:

- 1. A case about custody of or access to a child.
- 2. A child protection case.
- 3. A secure treatment case (Part VI of the *Child and Family Services Act*).

PARTY ADDED BY COURT ORDER

(5) The court may order that any person who should be a party shall be added as a party, and may give directions for service on that person.

PERMANENT CASE NAME AND COURT FILE NUMBER

(6) The court file number given to a case and the description of the parties as applicants and respondents in the case shall remain the same on a motion to change an order, a status review application, an enforcement or an appeal, no matter who starts it, with the following exceptions:

- 1. In an enforcement of a payment order, the parties may be described instead as payors, recipients and garnishees.
- 2. In an appeal, the parties shall also be described as appellants and respondents.
- 3. When a case is transferred to another municipality, it may be given a new court file number.

RULE 8: STARTING A CASE**FILING AN APPLICATION**

8. (1) To start a case, a person shall file an application (Form 8, 8A, 8B, 8C or 8D) and, if required, a summary of court cases (Form 8E).

RÈGLE 7 : PARTIES**PARTIES À UNE CAUSE**

7. (1) La personne qui présente une demande ou contre laquelle une demande est présentée dans une cause est partie à celle-ci.

PARTIES À UNE MOTION

(2) Aux fins d'une motion uniquement, la personne qu'elle concerne est également partie à la motion, mais non un enfant que concerne une motion portant sur la garde, le droit de visite, la protection, l'adoption ou les aliments.

PERSONNES QUI DOIVENT ÊTRE DÉSIGNÉES COMME PARTIES

- (3) La personne qui introduit une cause désigne :
 - a) comme requérant, chaque personne qui présente une demande;
 - b) comme intimé :
 - (i) d'une part, chaque personne contre laquelle une demande est présentée,
 - (ii) d'autre part, toute autre personne qui devrait être une partie de façon à permettre au tribunal de décider toutes les questions en litige dans la cause.

PARTIES À DES CAUSES PORTANT SUR DES ENFANTS

(4) Dans les causes suivantes, le père ou la mère de l'enfant concerné ou toute autre personne qui assure ses soins et sa surveillance, à l'exception d'un père ou d'une mère de famille d'accueil visés par la *Loi sur les services à l'enfance et à la famille*, est désigné comme partie, sauf ordonnance contraire du tribunal:

- 1. Une cause portant sur la garde d'un enfant ou le droit de visite à un enfant.
- 2. Une cause portant sur la protection d'un enfant.
- 3. Une cause portant sur le traitement en milieu fermé (partie VI de la *Loi sur les services à l'enfance et à la famille*).

JONCTION D'UNE PARTIE PAR ORDONNANCE DU TRIBUNAL

(5) Le tribunal peut ordonner que toute personne qui devrait être une partie soit jointe comme partie et peut donner des directives concernant la signification de documents à cette personne.

PERMANENCE DE L'INTITULÉ DE LA CAUSE ET DU NUMÉRO DE DOSSIER DU GREFFE

(6) Le numéro de dossier du greffe attribué à une cause et la désignation des parties comme requérants ou intimés dans la cause demeurent les mêmes dans le cas d'une motion en modification d'une ordonnance, d'une requête en révision de statut, d'une procédure d'exécution ou d'un appel, quelle que soit la personne qui en prend l'initiative. Sont toutefois prévues les exceptions suivantes :

- 1. Dans le cas de l'exécution d'une ordonnance de paiement, les parties peuvent être désignées comme payeurs, bénéficiaires ou tiers saisis.
- 2. Dans le cas d'un appel, les parties sont également désignées comme appelants ou intimés.
- 3. Lorsqu'une cause est transférée à une autre municipalité, un nouveau numéro de dossier du greffe peut lui être attribué.

RÈGLE 8 : INTRODUCTION D'UNE CAUSE**DÉPÔT D'UNE REQUÊTE**

8. (1) La personne qui désire introduire une cause dépose une requête (formule 8, 8A, 8B, 8C ou 8D) et, si cela est exigé, un résumé des causes (formule 8E).

CHANGE TO ORDER OR AGREEMENT—BY MOTION

(2) A party who wants to ask the court to change an order or agreement shall do so only by a motion under rule 15 (except in a status review application under the *Child and Family Services Act*, to which that rule does not apply).

CLAIMS IN APPLICATION

- (3) An application may contain,
 - (a) a claim against more than one person; and
 - (b) more than one claim against the same person.

COURT DATE SET WHEN APPLICATION FILED

- (4) When an application is filed, the clerk shall,
 - (a) set a court date, except as provided by subrule 39 (7) (case management, standard track); and
 - (b) seal the application with the court seal.

SERVICE OF APPLICATION

(5) The application shall be served immediately on every other party, and special service shall be used unless the party is listed in subrule (6).

SERVICE ON OFFICIALS, AGENCIES, ETC.

- (6) The application may be served by regular service,
 - (a) on a foster parent, at the foster parent's residence;
 - (b) on a representative of a band or native community, by serving the chief or other person who appears to be in charge of its management;
 - (c) on any of the following persons, at their place of business:
 - 1. A Director appointed under section 5 of the *Child and Family Services Act*.
 - 2. A local director appointed under section 16 of the *Child and Family Services Act*.
 - 3. An administrator in charge of a secure treatment program under Part VI of the *Child and Family Services Act*.
 - 4. A children's aid society.
 - 5. The Minister of Community and Social Services.
 - 6. An agency referred to in subsection 33 (3) of the *Family Law Act* or subsection 20.1 (1) of the *Divorce Act* (Canada).
 - 7. The Director of the Family Responsibility Office.
 - 8. The Children's Lawyer.
 - 9. The Public Guardian and Trustee.
 - 10. The Registrar General.

SERVING PROTECTION APPLICATION ON CHILD

(7) In a child protection case in which the child is entitled to notice, the application shall be served on the child by special service.

MODIFICATION D'UNE ORDONNANCE OU D'UN ACCORD — PAR VOIE DE MOTION

(2) La partie qui désire demander au tribunal de modifier une ordonnance ou un accord ne peut le faire qu'au moyen d'une motion présentée aux termes de la règle 15, sauf dans le cas d'une requête en révision de statut visée à la *Loi sur les services à l'enfance et à la famille*, à laquelle cette règle ne s'applique pas.

DEMANDES COMPRISES DANS UNE REQUÊTE

- (3) Une requête peut comprendre :
 - a) d'une part, une demande présentée contre plus d'une personne;
 - b) d'autre part, plus d'une demande présentée contre la même personne.

FIXATION DE LA DATE D'AUDIENCE AU MOMENT DU DÉPÔT DE LA REQUÊTE

- (4) Lorsqu'une requête est déposée, le greffier :
 - a) d'une part, fixe une date d'audience, sauf dans les cas prévus par le paragraphe 39 (7) (gestion des causes : voie ordinaire),
 - b) d'autre part, fait apposer sur la requête le sceau du tribunal.

SIGNIFICATION DE LA REQUÊTE

(5) La requête est signifiée immédiatement à chacune des autres parties par voie de signification spéciale, à moins qu'il ne s'agisse d'une des parties énumérées au paragraphe (6).

SIGNIFICATION DE LA REQUÊTE AUX FONCTIONNAIRES PUBLICS, ORGANISMES ET AUTRES PERSONNES

- (6) La requête peut être signifiée par voie de signification ordinaire aux personnes suivantes :
 - a) un père ou une mère de famille d'accueil, à son domicile;
 - b) un représentant d'une bande ou d'une collectivité autochtone, en la signifiant au chef ou à l'autre personne qui semble être chargée de sa direction;
 - c) l'une ou l'autre des personnes suivantes, à leur établissement :
 - 1. Un directeur nommé en vertu de l'article 5 de la *Loi sur les services à l'enfance et à la famille*.
 - 2. Un directeur local nommé aux termes de l'article 16 de la *Loi sur les services à l'enfance et à la famille*.
 - 3. Un administrateur responsable d'un programme de traitement en milieu fermé visé à la partie VI de la *Loi sur les services à l'enfance et à la famille*.
 - 4. Une société d'aide à l'enfance.
 - 5. Le ministre des Services sociaux et communautaires.
 - 6. Un organisme mentionné au paragraphe 33 (3) de la *Loi sur le droit de la famille* ou une administration mentionnée au paragraphe 20.1 (1) de la *Loi sur le divorce* (Canada).
 - 7. Le directeur du Bureau des obligations familiales.
 - 8. L'avocat des enfants.
 - 9. Le Tuteur et curateur public.
 - 10. Le registraire général de l'état civil.

SIGNIFICATION À L'ENFANT D'UNE REQUÊTE EN MATIÈRE DE PROTECTION

(7) Dans une cause portant sur la protection d'un enfant dans laquelle l'enfant a droit à un préavis, la requête lui est signifiée par voie de signification spéciale.

SERVING SECURE TREATMENT APPLICATION ON CHILD

(8) An application for secure treatment (Part VI of the *Child and Family Services Act*) shall be served on the child by special service.

SERVING APPLICATION ON CHILD'S LAWYER

(9) If an order has been made for legal representation of a child under section 38 or subsection 114 (6) of the *Child and Family Services Act* or under subrule 4 (7), the applicant, or another party directed by the court, shall serve all documents in the continuing record and any status review application on the child's lawyer by regular service.

SERVING PROTECTION APPLICATION BEFORE START OF CASE

(10) If a child is brought to a place of safety (section 40, 42 or 43 of the *Child and Family Services Act*) or a homemaker remains or is placed on premises (subsection 78 (2) of that Act), an application may be served without being sealed by the clerk, if it is filed on or before the court date.

APPLICATION NOT SERVED ON OR BEFORE COURT DATE

(11) If an application is not served on a respondent on or before the court date, at the applicant's request the clerk shall set a new court date for that respondent and the applicant shall make the necessary change to the application and serve it immediately on that respondent.

RULE 9: CONTINUING RECORD**HOW CONTINUING RECORD CREATED**

9. (1) A person starting a case shall,
 - (a) prepare the continuing record of the case, to be the court's permanent record of the case;
 - (b) serve it on all other parties; and
 - (c) before filing it, add to it the affidavits of service or other documents proving service of the continuing record under clause (b).

DUTY TO KEEP UP CONTINUING RECORD

(2) Once the continuing record has been filed, the parties, under the clerk's supervision, are responsible for adding to it all documents that are filed in the case.

FORM AND COVER

(3) The continuing record shall have a red front cover and be in a form that allows documents to be added to it as this rule requires.

THREE-HOLE FORMAT

(4) All documents in the continuing record shall be punched in standard three-hole format.

CONTENTS

(5) The following requirements apply to the contents of the continuing record:

1. First, there shall be a section labelled "Contents", containing a cumulative table of contents which shall be updated every time a document is filed. The cumulative table of contents shall list every document filed, indicating the tab or page number of the record where the document is found, the kind of document, which party filed it, the date of the document and the date it was filed. For an affidavit or transcript of evidence, the name of the person who gave the affidavit or the evidence shall also be shown.

SIGNIFICATION À L'ENFANT D'UNE REQUÊTE EN MATIÈRE DE TRAITEMENT EN MILIEU FERMÉ

(8) Une requête en matière de traitement en milieu fermé (partie VI de la *Loi sur les services à l'enfance et à la famille*) est signifiée à l'enfant par voie de signification spéciale.

SIGNIFICATION D'UNE REQUÊTE À L'AVOCAT DE L'ENFANT

(9) Si une ordonnance a été rendue pour qu'un enfant soit représenté par un avocat en vertu de l'article 38 ou du paragraphe 114 (6) de la *Loi sur les services à l'enfance et à la famille* ou du paragraphe 4 (7), le requérant, ou l'autre partie que désigne le tribunal, signifie à l'avocat de l'enfant par voie de signification ordinaire tous les documents versés au dossier continu et toute requête en révision de statut.

SIGNIFICATION D'UNE REQUÊTE EN MATIÈRE DE PROTECTION AVANT L'INTRODUCTION D'UNE CAUSE

(10) Si un enfant est amené dans un lieu sûr (article 40, 42 ou 43 de la *Loi sur les services à l'enfance et à la famille*) ou qu'une aide familiale reste dans des locaux ou y est placée (paragraphe 78 (2) de cette loi), une requête peut être signifiée sans être scellée par le greffier, à la condition d'être déposée au plus tard à la date d'audience.

REQUÊTE NON SIGNIFIÉE AU PLUS TARD À LA DATE D'AUDIENCE

(11) Si une requête n'est pas signifiée à un intimé au plus tard à la date d'audience, le greffier fixe, à la demande du requérant, une nouvelle date d'audience pour l'intimé et le requérant apporte la modification nécessaire à la requête et la signifie immédiatement à celui-ci.

RÈGLE 9 : DOSSIER CONTINU**MODALITÉS DE CONSTITUTION DU DOSSIER CONTINU**

9. (1) La personne qui introduit une cause fait ce qui suit :
 - a) elle établit le dossier continu de la cause, qui en constituera le dossier permanent du tribunal;
 - b) elle le signifie aux autres parties;
 - c) avant de le déposer, elle y verse les affidavits de signification ou autres documents attestant la signification du dossier continu prévue à l'alinéa b).

OBLIGATION DE TENIR À JOUR LE DOSSIER CONTINU

(2) Une fois que le dossier continu a été déposé, les parties, sous la supervision du greffier, sont chargées d'y verser tous les documents qui sont déposés dans le cadre de la cause.

FORME ET COUVERTURE

(3) Le dossier continu comporte une couverture avant rouge et sa forme permet l'adjonction de documents comme l'exige la présente règle.

FORMAT À TROIS TROUS

(4) Tous les documents versés au dossier continu sont perforés selon le format type à trois trous.

CONTENU

(5) Les exigences suivantes s'appliquent au contenu du dossier continu :

1. Au début, figure une section intitulée «Table des matières», comportant une table des matières cumulative qui est mise à jour chaque fois qu'un document est déposé. Elle énumère chacun des documents déposés, en précisant le numéro d'onglet ou de page du dossier où se trouve le document, le genre de document dont il s'agit, la partie qui l'a déposé, la date du document ainsi que la date de son dépôt. Dans le cas d'un affidavit ou de la transcription d'un témoignage, le nom de son auteur est également indiqué.

2. After the first section, there shall be a section labelled "Endorsements" containing 10 blank pages (or more if necessary), on which the judge dealing with any step in the case shall note the disposition of that step and the date. The court's file copy of each order made in the case shall be put into the endorsement section after the endorsement pages. If the continuing record has more than one volume, the endorsement section shall be only in the first one.
3. Next there shall be a section labelled "Documents", containing every document filed in the case arranged in order, with the most recent one at the back. The documents shall be numbered consecutively.
4. If 100 or more pages have been put into the documents section of a volume of the continuing record, the person filing the next document shall create a new volume. The volume shall be numbered on its front cover and shall contain separate contents and documents sections as provided in paragraphs 1 and 3.

WRITTEN REASONS FOR ORDER

- (6) If the court gives written reasons for making an order,
 - (a) they may be endorsed on the continuing record by hand, or the endorsement may be a short note saying that written reasons are being given separately;
 - (b) the clerk shall add a copy of the reasons to the endorsements section of the continuing record; and
 - (c) the clerk shall send the reasons to the parties by mail, fax or electronic mail, together with an updated cumulative table of contents that records the reasons and the date when they were given.

PARTY'S DUTY TO KEEP UP CONTINUING RECORD

- (7) A party serving documents shall,
 - (a) serve and file any documents that are not already in the continuing record; and
 - (b) serve with the documents an updated cumulative table of contents that lists the documents being filed.

NO SERVICE OR FILING OF DOCUMENTS ALREADY IN CONTINUING RECORD

- (8) A party shall not serve or file any document that is already in the continuing record, despite any requirement in these rules that the document be served and filed.

DOCUMENTS REFERRED TO BY NUMBER IN CONTINUING RECORD

- (9) A party who is relying on a document in the continuing record shall refer to it by its tab or page number in the continuing record.

DOCUMENTS NOT TO BE REMOVED FROM CONTINUING RECORD

- (10) No document shall be removed from the continuing record, except by order.

USE OF CONTINUING RECORD FOR MATTERS AFTER THE CASE ENDS

- (11) If the court has made a final order, any existing continuing record for the case shall continue to be used,

- (a) for an enforcement of the order, if the enforcement is started at the court office where the continuing record is kept;

2. Après la première section, vient une section intitulée «Inscriptions» et comportant 10 pages vierges (ou plus, si besoin est), sur lesquelles le juge qui s'occupe de l'étape de la cause en question en inscrit le résultat et la date. La copie de chaque ordonnance rendue dans la cause que doit conserver le tribunal est versée dans la section des inscriptions à la suite des pages réservées à celles-ci. Si le dossier continu comporte plus d'un volume, la section des inscriptions ne figure que dans le premier.
3. Vient ensuite une section intitulée «Documents», qui contient tous les documents déposés dans la cause, présentés par ordre chronologique, le plus récent étant placé à la fin. Les documents y sont numérotés consécutivement.
4. Si 100 pages ou plus ont été versées dans la section des documents d'un volume du dossier continu, la personne qui dépose le document suivant constitue un nouveau volume. Un numéro est apposé sur la couverture avant du volume, lequel contient des sections distinctes pour la table des matières et les documents, comme le prévoient les dispositions 1 et 3.

MOTIFS ÉCRITS DE L'ORDONNANCE

- (6) Si le tribunal donne par écrit les motifs de l'ordonnance qu'il rend :
 - a) ils peuvent être inscrits à la main dans le dossier continu ou l'inscription peut prendre la forme d'une brève remarque indiquant que les motifs écrits sont fournis séparément;
 - b) le greffier insère une copie des motifs dans la section des inscriptions du dossier continu;
 - c) le greffier communique les motifs aux parties par la poste, par télécopie ou par courrier électronique avec une table des matières cumulative mise à jour qui consigne les motifs et la date à laquelle ils ont été fournis.

OBLIGATION DE LA PARTIE DE TENIR À JOUR LE DOSSIER CONTINU

- (7) La partie qui signifie des documents :
 - a) d'une part, signifie et dépose tous documents qui ne se trouvent pas déjà dans le dossier continu;
 - b) d'autre part, signifie avec les documents une table des matières cumulative mise à jour qui énumère les documents déposés.

SIGNIFICATION OU DÉPÔT INTERDIT DES DOCUMENTS DÉJÀ VERSÉS AU DOSSIER CONTINU

- (8) Une partie ne doit pas signifier ni déposer un document qui se trouve déjà dans le dossier continu, même si les présentes règles exigent qu'il le soit.

DOCUMENTS DU DOSSIER CONTINU MENTIONNÉS PAR NUMÉRO

- (9) La partie qui s'appuie sur un document figurant dans le dossier continu y renvoie en précisant son numéro d'onglet ou de page dans le dossier continu.

NON-RETRAIT DES DOCUMENTS DU DOSSIER CONTINU

- (10) Sauf ordonnance, aucun document ne doit être retiré du dossier continu.

UTILISATION DU DOSSIER CONTINU POUR LES QUESTIONS SURVENANT APRÈS LA CLÔTURE DE LA CAUSE

- (11) Si le tribunal a rendu une ordonnance définitive, le dossier continu de la cause qui existe déjà continue d'être utilisé :

- a) aux fins de l'exécution de l'ordonnance, si la procédure d'exécution est commencée au greffe où est conservé le dossier continu;

- (b) for a motion to change the order, if the motion is started at the court office where the continuing record is kept;
- (c) for a status review of a child protection order, if the status review application is started at the court office where the continuing record is kept.

APPEAL

(12) If a final order is appealed, only the notice of appeal and the order of the appeal court (and no other appeal document) shall be added to the continuing record.

TRANSFER OF CONTINUING RECORD IF CASE TRANSFERRED

(13) If the court transfers a case to another municipality the clerk shall, on request, transfer the continuing record to the clerk at the court office in the other municipality, and the continuing record shall be used there as if the case had started in the other municipality.

TRANSFER OF CONTINUING RECORD ON REQUEST

(14) If a person takes a step referred to in subrule (11) in another municipality, the clerk shall, on request, transfer the continuing record to the other municipality and then,

- (a) the continuing record may be used as if the case had started in the other municipality; or
- (b) a new continuing record may be started there.

CONTINUING RECORD FOR CONFIRMATION OF SUPPORT ORDER

(15) When a provisional support order or a provisional change to a support order is sent to a court in Ontario for confirmation,

- (a) if the provisional order or change was made in Ontario, the clerk shall send the continuing record to the court office where the confirmation is to take place and the respondent shall update it as this rule requires; and
- (b) if the provisional order or change was not made in Ontario, the clerk shall prepare the continuing record and the respondent shall update it as this rule requires.

TRANSITIONAL PROVISION

(16) This rule applies to cases started before these rules come into effect, in the following manner:

1. Any party may at any time prepare, serve and file the continuing record as described in subrule (1). This rule then applies to all documents filed afterward.
2. If neither party has filed the continuing record in accordance with paragraph 1, the first party who files a document after these rules come into effect shall start the continuing record as described in subrule (1). This rule then applies to all documents filed afterward.
3. Despite paragraph 2, the court may free a party from the obligation to start the continuing record, and give other directions about the form and contents of the record for the case.

RULE 10: ANSWERING A CASE

SERVING AND FILING ANSWER

10. (1) A person against whom an application is made shall serve an answer (Form 10) on every other party and file it within 30 days after being served with the application.

- b) aux fins d'une motion en modification de l'ordonnance, si la motion est présentée au greffe où est conservé le dossier continu;
- c) aux fins de la révision de statut d'une ordonnance de protection d'un enfant, si la requête en révision de statut est introduite au greffe où est conservé le dossier continu.

APPEL

(12) S'il est interjeté appel d'une ordonnance définitive, seuls l'avis d'appel et l'ordonnance du tribunal d'appel (à l'exclusion de tout autre document relatif à l'appel) sont versés au dossier continu.

TRANSFERT DU DOSSIER CONTINU EN CAS DE TRANSFERT DE LA CAUSE

(13) Si le tribunal transfère la cause à une autre municipalité, le greffier transfère, sur demande, le dossier continu au greffier du greffe de cette municipalité et le dossier continu y est utilisé comme si la cause y avait été introduite.

TRANSFERT DU DOSSIER CONTINU SUR DEMANDE

(14) Si une personne prend une mesure mentionnée au paragraphe (11) dans une autre municipalité, le greffier transfère, sur demande, le dossier continu à cette municipalité, après quoi :

- a) le dossier continu peut y être utilisé comme si la cause y avait été introduite;
- b) un nouveau dossier continu peut y être établi.

DOSSIER CONTINU POUR L'HOMOLOGATION D'UNE ORDONNANCE ALIMENTAIRE

(15) Lorsqu'une ordonnance alimentaire conditionnelle ou une modification conditionnelle à apporter à une ordonnance alimentaire est soumise à un tribunal ontarien aux fins d'homologation :

- a) si l'ordonnance conditionnelle a été rendue ou la modification apportée en Ontario, le greffier envoie le dossier continu au greffe où l'homologation doit se faire et l'intimé le met à jour comme l'exige la présente règle;
- b) si l'ordonnance conditionnelle n'a pas été rendue ni la modification apportée en Ontario, le greffier établit le dossier continu et l'intimé le met à jour comme l'exige la présente règle.

DISPOSITION TRANSITOIRE

(16) La présente règle s'applique aux causes introduites avant l'entrée en vigueur des présentes règles, de la façon suivante :

1. Toute partie peut à quelque moment que ce soit établir, signifier et déposer le dossier continu comme l'indique le paragraphe (1). La présente règle s'applique alors à tous les documents déposés par la suite.
2. Si aucune des parties n'a déposé le dossier continu conformément à la disposition 1, la partie qui dépose la première un document après l'entrée en vigueur des présentes règles ouvre le dossier continu comme l'indique le paragraphe (1). La présente règle s'applique alors à tous les documents déposés par la suite.
3. Malgré la disposition 2, le tribunal peut dispenser une partie d'ouvrir le dossier continu, et donner d'autres directives concernant la forme et le contenu du dossier de la cause.

RÈGLE 10 : DÉFENSE À UNE CAUSE

SIGNIFICATION ET DÉPÔT D'UNE DÉFENSE

10. (1) La personne contre laquelle une requête est présentée signifie une défense (formule 10) à chacune des autres parties et la dépose au plus tard 30 jours après que la requête lui est signifiée.

TIME FOR ANSWER—APPLICATION SERVED OUTSIDE CANADA OR U.S.A.

(2) If an application is served outside Canada or the United States of America, the time for serving and filing an answer is 60 days.

ANSWER MAY INCLUDE CLAIM

- (3) A respondent may include in the answer,
- (a) a claim against the applicant;
 - (b) a claim against any other person, who then also becomes a respondent in the case.

ANSWER BY ADDED RESPONDENT

(4) Subrules (1) to (3) apply to a respondent added under subrule (3), except that the time for serving and filing an answer is 14 days after service on the added respondent, or 30 days if the added respondent is served outside Canada or the United States of America.

NO ANSWER OR ANSWER STRUCK OUT

(5) If a respondent does not serve and file an answer as this rule requires, or if the answer is struck out by an order,

- (a) the respondent is not entitled to any further notice of steps in the case (except as subrule 25 (13) (service of order) provides);
- (b) the respondent is not entitled to participate in the case in any way;
- (c) the court may deal with the case in the respondent's absence; and
- (d) the clerk may set a date for an uncontested trial.

REPLY

(6) A party may, within 10 days after being served with an answer, serve and file a reply (Form 10A) in response to a claim made in the answer.

RULE 11: AMENDING AN APPLICATION, ANSWER OR REPLY**AMENDING APPLICATION WITHOUT COURT'S PERMISSION**

11. (1) An applicant may amend the application without the court's permission as follows:

- 1. If no answer has been filed, by serving and filing an amended application in the manner set out in rule 8 (starting a case).
- 2. If an answer has been filed, by serving and filing an amended application in the manner set out in rule 8 and also filing the consent of all parties to the amendment.

AMENDING ANSWER WITHOUT COURT'S PERMISSION

(2) A respondent may amend the answer without the court's permission as follows:

- 1. If the application has been amended, by serving and filing an amended answer within 14 days after being served with the amended application.

DÉLAIS DE PRÉSENTATION D'UNE DÉFENSE — REQUÊTE SIGNIFIÉE À L'EXTÉRIEUR DU CANADA OU DES ÉTATS-UNIS

(2) Si une requête est signifiée à l'extérieur du Canada ou des États-Unis d'Amérique, le délai pour signifier et déposer une défense est de 60 jours.

POSSIBILITÉ D'INCLURE UNE DEMANDE DANS LA DÉFENSE

- (3) Un intimé peut inclure dans la défense :
- a) une demande contre le requérant;
 - b) une demande contre toute autre personne, qui devient alors également un intimé dans la cause.

DÉFENSE PRÉSENTÉE PAR L'INTIMÉ JOINT

(4) Les paragraphes (1) à (3) s'appliquent à un intimé joint aux termes du paragraphe (3), sauf que le délai pour signifier et déposer une défense est de 14 jours après sa signification à l'intimé joint, ou de 30 jours si ce dernier en reçoit signification à l'extérieur du Canada ou des États-Unis d'Amérique.

ABSENCE DE DÉFENSE OU RADIATION DE LA DÉFENSE

(5) Si un intimé ne signifie ni ne dépose de défense, contrairement à la présente règle, ou si la défense est radiée par une ordonnance :

- a) l'intimé n'a pas droit à d'autre préavis des étapes de la cause, sous réserve du paragraphe 25 (13) (signification de l'ordonnance);
- b) l'intimé n'a pas le droit de prendre part à la cause de quelque façon que ce soit;
- c) le tribunal peut traiter la cause en l'absence de l'intimé;
- d) le greffier peut fixer une date pour la tenue d'un procès non contesté.

RÉPONSE

(6) Une partie peut, au plus tard 10 jours après qu'une défense lui est signifiée, signifier et déposer une réponse (formule 10A) à une demande présentée dans la défense.

RÈGLE 11 : MODIFICATION D'UNE REQUÊTE, D'UNE DÉFENSE OU D'UNE RÉPONSE**MODIFICATION D'UNE REQUÊTE SANS LA PERMISSION DU TRIBUNAL**

11. (1) Un requérant peut modifier sa requête sans la permission du tribunal comme suit :

- 1. Si aucune défense n'a été déposée, en signifiant et déposant une requête modifiée de la façon énoncée à la règle 8 (introduction d'une cause).
- 2. Si une défense a été déposée, en signifiant et déposant une requête modifiée de la façon énoncée à la règle 8 et en déposant également l'avis de consentement à la modification de toutes les parties.

MODIFICATION DE LA DÉFENSE SANS LA PERMISSION DU TRIBUNAL

(2) Un intimé peut modifier sa défense sans la permission du tribunal comme suit :

- 1. Si la requête a été modifiée, en signifiant et déposant une défense modifiée au plus tard 14 jours après que la requête modifiée lui est signifiée.

2. If the application has not been amended, by serving and filing an amended answer and also filing the consent of all parties to the amendment.

AMENDING APPLICATION OR ANSWER WITH COURT'S PERMISSION

(3) On motion, the court shall give permission to a party to amend an application, answer or reply, unless the amendment would disadvantage another party in a way for which costs or an adjournment could not compensate.

HOW AMENDMENT IS SHOWN

(4) An amendment shall be clearly shown by underlining all changes, and the rule or order permitting the amendment and the date of the amendment shall be noted in the margin of each amended page.

RULE 12: WITHDRAWING, COMBINING OR SPLITTING CASES

WITHDRAWING APPLICATION, ANSWER OR REPLY

12. (1) A party who does not want to continue with all or part of a case may withdraw all or part of the application, answer or reply by serving a notice of withdrawal (Form 12) on every other party and filing it.

WITHDRAWAL—SPECIAL PARTY'S APPLICATION, ANSWER OR REPLY

(2) A special party's application, answer or reply may be withdrawn (whether in whole or in part) only with the court's permission, and the notice of motion for permission shall be served on every other party and on,

- (a) the Children's Lawyer, if the special party is a child;
- (b) the Public Guardian and Trustee, if the special party is not a child.

COSTS PAYABLE ON WITHDRAWAL

(3) A party who withdraws all or part of an application, answer or reply shall pay the costs of every other party in relation to the withdrawn application, answer, reply or part, up to the date of the withdrawal, unless the court orders or the parties agree otherwise.

COSTS ON WITHDRAWAL BY GOVERNMENT AGENCY

(4) Despite subrule (3), if the party is a government agency, costs are in the court's discretion.

COMBINING AND SPLITTING CASES

(5) If it would be more convenient to hear two or more cases, claims or issues together or to split a case into two or more separate cases, claims or issues, the court may, on motion, order accordingly.

SPLITTING DIVORCE FROM OTHER ISSUES

(6) The court may, on motion, make an order splitting a divorce from the other issues in a case if,

- (a) neither spouse will be disadvantaged by the order; and
- (b) reasonable arrangements have been made for the support of any children of the marriage.

2. Si la requête n'a pas été modifiée, en signifiant et déposant une défense modifiée et en déposant également l'avis de consentement à la modification de toutes les parties.

MODIFICATION D'UNE REQUÊTE OU D'UNE DÉFENSE AVEC LA PERMISSION DU TRIBUNAL

(3) Sur motion, le tribunal permet à une partie de modifier une requête, une défense ou une réponse, sauf si la modification désavantagerait une autre partie de telle façon que l'octroi de dépens ou d'un sursis ne pourrait la dédommager.

FAÇON D'INDIQUER LA MODIFICATION

(4) Toute modification est clairement indiquée en soulignant tous les changements, et la règle ou l'ordonnance permettant la modification, ainsi que la date de la modification même, sont inscrites dans la marge de chaque page modifiée.

RÈGLE 12 : RETRAIT, JONCTION OU SÉPARATION DES CAUSES

RETRAIT D'UNE REQUÊTE, D'UNE DÉFENSE OU D'UNE RÉPONSE

12. (1) La partie qui ne désire pas poursuivre tout ou partie d'une cause peut retirer tout ou partie de la requête, de la défense ou de la réponse en signifiant à chacune des autres parties un avis de retrait (formule 12) et en le déposant.

RETRAIT — REQUÊTE, DÉFENSE OU RÉPONSE D'UNE PARTIE SPÉCIALE

(2) Toute requête, défense ou réponse d'une partie spéciale ne peut être retirée, en totalité ou en partie, qu'avec la permission du tribunal, et l'avis de motion visant à obtenir cette permission est signifié à chacune des autres parties et :

- a) à l'avocat des enfants, si la partie spéciale est un enfant;
- b) au Tuteur et curateur public, si la partie spéciale n'est pas un enfant.

DÉPENS PAYABLES EN CAS DE RETRAIT

(3) Sauf ordonnance contraire du tribunal ou consentement des parties, la partie qui retire tout ou partie d'une requête, d'une défense ou d'une réponse paie les dépens des autres parties à l'égard de tout ou partie de celle-ci jusqu'à la date du retrait.

DÉPENS EN CAS DE RETRAIT PAR UN ORGANISME GOUVERNEMENTAL

(4) Malgré le paragraphe (3), si la partie est un organisme gouvernemental, les dépens sont laissés à l'appréciation du tribunal.

JONCTION OU SÉPARATION DES CAUSES

(5) S'il est plus commode d'entendre ensemble deux ou plusieurs causes, demandes ou questions en litige, ou de séparer une cause en deux ou plusieurs causes, demandes ou questions en litige distinctes, le tribunal peut, sur motion, rendre une ordonnance en ce sens.

SÉPARATION DU DIVORCE ET DES AUTRES QUESTIONS EN LITIGE

(6) Le tribunal peut, sur motion, rendre une ordonnance séparant la question du divorce des autres questions en litige dans une cause si les conditions suivantes sont réunies :

- a) ni l'un ni l'autre conjoint ne seront désavantagés par l'ordonnance;
- b) des dispositions raisonnables ont été prises pour subvenir aux besoins de tout enfant à charge.

RULE 13: FINANCIAL STATEMENTS**FINANCIAL STATEMENT WITH APPLICATION, ANSWER, REPLY OR MOTION**

13. (1) If an application, answer, reply or notice of motion contains a claim for support or a property claim,

- (a) the party making the claim shall serve and file a financial statement (Form 13) with the document that contains the claim; and
- (b) the party against whom the claim is made shall serve and file a financial statement within the time for serving and filing an answer, reply or affidavit in response to the motion, whether the party is serving an answer, reply or affidavit in response to the motion or not.

CLAIM FOR PAYMENT ORDER UNDER CFSA

(2) If an application, answer, reply or notice of motion contains a claim for a payment order under section 60 of the *Child and Family Services Act*, clause (1) (a) does not apply to the children's aid society but clause (1) (b) applies to the party against whom the claim is made.

FINANCIAL STATEMENTS IN CUSTODY CASES

(3) If an application, answer or notice of motion contains a claim for custody of or access to a child, the court may order each party to serve and file a financial statement within the time decided by the court.

FINANCIAL STATEMENT WITH MOTION TO CHANGE SUPPORT

(4) The following requirements apply if a motion contains a claim for a change in a support order or agreement:

- 1. The party making the motion shall serve and file a financial statement with the notice of motion.
- 2. The party against whom the claim is made shall serve and file a financial statement as soon as possible after being served with the notice of motion, but in any event no later than two days before the motion date. Any affidavit in response to the motion shall be served and filed at the same time as the financial statement.

NO FINANCIAL STATEMENT FROM ASSIGNEE

(5) The assignee of a support order is not required to serve and file a financial statement under subrule (4).

FULL DISCLOSURE IN FINANCIAL STATEMENT

- (6) A party who serves and files a financial statement shall,
 - (a) make full and frank disclosure of the party's financial situation;
 - (b) attach any documents to prove the party's income that the financial statement requires;
 - (c) follow the instructions set out in the form; and
 - (d) fully complete all portions of the statement.

INCOME TAX DOCUMENTS REQUIRED

(7) The clerk shall not accept a party's financial statement for filing unless,

- (a) copies of the party's income tax returns and notices of assessment are attached as the form requires;

RÈGLE 13 : ÉTATS FINANCIERS**ÉTAT FINANCIER JOINT À UNE REQUÊTE, À UNE DÉFENSE, À UNE RÉPONSE OU À UNE MOTION**

13. (1) Si une requête, une défense, une réponse ou un avis de motion comporte une demande d'aliments ou une demande portant sur des biens :

- a) d'une part, la partie qui présente la demande signifie et dépose un état financier (formule 13) avec le document qui contient la demande;
- b) d'autre part, la partie contre laquelle est présentée la demande signifie et dépose un état financier dans le délai prévu pour signifier et déposer une défense, une réponse ou un affidavit en réponse à la motion, que cette partie signifie ou non une défense, une réponse ou un affidavit en réponse à la motion.

DEMANDE D'ORDONNANCE DE PAIEMENT — LOI SUR LES SERVICES À L'ENFANCE ET À LA FAMILLE

(2) Si une requête, une défense, une réponse ou un avis de motion comporte une demande d'ordonnance de paiement mentionnée à l'article 60 de la *Loi sur les services à l'enfance et à la famille*, l'alinéa (1) a) ne s'applique pas à la société d'aide à l'enfance, mais l'alinéa (1) b) s'applique à la partie contre laquelle est présentée la demande.

ÉTATS FINANCIERS DANS LES CAUSES PORTANT SUR LA GARDE D'UN ENFANT

(3) Si une requête, une défense ou un avis de motion comporte une demande de garde d'un enfant ou de droit de visite à un enfant, le tribunal peut ordonner à chaque partie de signifier et de déposer un état financier dans le délai qu'il fixe.

ÉTAT FINANCIER JOINT À UNE MOTION EN MODIFICATION DES ALIMENTS

(4) Les exigences suivantes s'appliquent si une motion comporte une demande de modification d'une ordonnance alimentaire ou d'un accord relatif aux aliments :

- 1. La partie qui présente la motion signifie et dépose un état financier avec l'avis de motion.
- 2. La partie contre laquelle est présentée la demande signifie et dépose un état financier dès que possible après que l'avis de motion lui est signifié, mais dans tous les cas au plus tard deux jours avant la date d'audition de la motion. Tout affidavit en réponse à la motion est signifié et déposé en même temps que l'état financier.

ÉTAT FINANCIER NON EXIGÉ DU CESSIONNAIRE

(5) Le cessionnaire d'une ordonnance alimentaire n'est pas tenu de signifier et de déposer un état financier aux termes du paragraphe (4).

DIVULGATION COMPLÈTE DANS UN ÉTAT FINANCIER

- (6) La partie qui signifie et dépose un état financier :
 - a) divulgue d'une manière fidèle et complète sa situation financière;
 - b) joint tous documents attestant son revenu qu'exige l'état financier;
 - c) suit les instructions indiquées dans la formule;
 - d) remplit intégralement toutes les parties de l'état.

DOCUMENTS FISCAUX

(7) Le greffier ne peut accepter le dépôt de l'état financier d'une partie sans que, selon le cas :

- a) des copies des déclarations de revenus et des avis de cotisation de la partie soient jointes comme l'exige la formule;

- (b) the financial statement contains the party's signed direction to the Department of National Revenue, Taxation (Form 13A) for disclosure of those documents; or
- (c) the financial statement contains a declaration that the party is not required to file an income tax return because of the *Indian Act* (Canada).

NO FINANCIAL STATEMENT BY CONSENT—SPOUSAL SUPPORT IN DIVORCE

(8) Parties to a claim for spousal support under the *Divorce Act* (Canada) do not need to serve and file financial statements if they file a consent,

- (a) agreeing not to serve and file financial statements; or
- (b) agreeing to a specified amount of support, or to no support.

NO FINANCIAL STATEMENT BY CONSENT—CHANGE IN SUPPORT

(9) Parties to a consent motion for a change in support do not need to serve and file financial statements if they file a consent agreeing not to serve and file them.

DOCUMENTS NOT TO BE FILED WITHOUT FINANCIAL STATEMENT

(10) The clerk shall not accept an application, answer, reply, notice of motion or affidavit in response for filing without a financial statement if these rules require the document to be filed with a financial statement.

ADDITIONAL FINANCIAL INFORMATION

(11) If a party believes that another party's financial statement does not contain enough information for a full understanding of the other party's financial circumstances,

- (a) the party shall ask the other party to give the necessary additional information; and
- (b) if the other party does not give it within seven days, the court may, on motion, order the other party to give the information or to serve and file a new financial statement.

UPDATING FINANCIAL STATEMENT

(12) At least seven days before any case conference, motion for a temporary order, settlement conference or trial, each party shall update the information in any financial statement that is more than 30 days old by serving and filing,

- (a) a new financial statement; or
- (b) an affidavit saying that the information in the last statement has not changed and is still true.

QUESTIONING ON FINANCIAL STATEMENT

(13) A party may be questioned under rule 20 on a financial statement provided under this rule, but only after a request for information has been made under clause (11) (a).

NET FAMILY PROPERTY STATEMENT

(14) Each party to a property claim under Part I of the *Family Law Act* shall serve and file a net family property statement (Form 13B) or, if the party has already served a net family property statement, an affidavit saying that the information in that statement has not changed and is still true,

- (b) l'état financier comprenne une directive signée à l'intention du ministère du Revenu national, Impôt (formule 13A) aux fins de divulgation de ces documents;
- (c) l'état financier comprenne une déclaration selon laquelle la partie n'est pas tenue de déposer une déclaration de revenus en raison de la *Loi sur les Indiens* (Canada).

AUCUN ÉTAT FINANCIER REQUIS S'IL Y A CONSENTEMENT — ALIMENTS DU CONJOINT DANS UN DIVORCE

(8) Les parties à une demande d'aliments pour le conjoint visée à la *Loi sur le divorce* (Canada) ne sont pas tenues de signifier et de déposer des états financiers si elles déposent un consentement dans lequel elles conviennent, selon le cas :

- a) de ne pas signifier et déposer d'états financiers;
- b) d'un montant précisé d'aliments ou du non-versement d'aliments.

AUCUN ÉTAT FINANCIER REQUIS S'IL Y A CONSENTEMENT — MODIFICATION DES ALIMENTS

(9) Les parties à une motion sur consentement en modification des aliments ne sont pas tenues de signifier et de déposer des états financiers si elles déposent un consentement dans lequel elles conviennent de ne pas le faire.

DÉPÔT DES DOCUMENTS REFUSÉ SANS ÉTAT FINANCIER

(10) Le greffier ne doit pas accepter le dépôt d'une requête, d'une défense, d'une réponse, d'un avis de motion ou d'un affidavit en réponse à une motion sans état financier si les présentes règles exigent que le document soit déposé avec un état financier.

RENSEIGNEMENTS FINANCIERS SUPPLÉMENTAIRES

(11) Si une partie croit que l'état financier d'une autre partie ne contient pas suffisamment de renseignements pour permettre de comprendre pleinement la situation financière de cette autre partie :

- a) d'une part, la partie demande à l'autre partie de communiquer les renseignements supplémentaires nécessaires;
- b) d'autre part, si l'autre partie ne le fait pas dans les sept jours, le tribunal peut, sur motion, lui ordonner de communiquer les renseignements ou de signifier et de déposer un nouvel état financier.

MISE À JOUR DE L'ÉTAT FINANCIER

(12) Au moins sept jours avant une conférence relative à la cause, une motion visant à obtenir une ordonnance temporaire, une conférence en vue d'un règlement amiable ou un procès, chaque partie met à jour les renseignements fournis dans tout état financier datant de plus de 30 jours en signifiant et déposant :

- a) soit un nouvel état financier;
- b) soit un affidavit indiquant que les renseignements fournis dans le dernier état n'ont pas changé et sont toujours exacts.

INTERROGATOIRE SUR L'ÉTAT FINANCIER

(13) Une partie peut être interrogée en vertu de la règle 20 sur un état financier fourni aux termes de la présente règle, mais seulement après qu'une demande de renseignements a été présentée aux termes de l'alinéa (11) a).

ÉTAT DES BIENS FAMILIAUX NETS

(14) Chaque partie à une demande portant sur des biens prévue à la partie I de la *Loi sur le droit de la famille* signifie et dépose un état des biens familiaux nets (formule 13B) ou, si la partie en a déjà signifié un, un affidavit indiquant que les renseignements qui y figurent n'ont pas changé et sont toujours exacts :

- (a) not less than seven days before a settlement conference; and
- (b) not more than 30 days and not less than seven days before a trial.

CORRECTING AND UPDATING STATEMENT OR ANSWER

(15) As soon as a party discovers that information in the party's financial statement or net family property statement or in a response the party gave under this rule is incorrect or incomplete, or that there has been a material change in the information provided, the party shall immediately serve on every other party to the claim and file the correct information or a new statement containing the correct information, together with any documents substantiating it.

ORDER TO FILE STATEMENT

(16) If a party has not served and filed a financial statement or net family property statement or information as required by this rule or an Act, the court may, on motion without notice, order the party to serve and file the document or information and, if it makes that order, shall also order the party to pay costs.

FAILURE TO OBEY ORDER TO FILE STATEMENT OR GIVE INFORMATION

(17) If a party does not obey an order to serve and file a financial statement or net family property statement or to give information as this rule requires, the court may,

- (a) dismiss the party's case;
- (b) strike out any document filed by the party;
- (c) make a contempt order against the party;
- (d) order that any information that should have appeared on the statement may not be used by the party at the motion or trial;
- (e) make any other appropriate order.

RULE 14: MOTIONS

WHEN TO MAKE MOTION

14. (1) A person who wants any of the following may make a motion:

1. A temporary order for a claim made in an application.
2. Directions on how to carry on the case.
3. A change in an order or agreement.

WHO MAY MAKE MOTION

(2) A motion may be made by a party to the case or by a person with an interest in the case.

PARTIES TO MOTION

(3) A person who is affected by a motion is also a party, for purposes of the motion only, but this does not apply to a child affected by a motion relating to custody, access, child protection, adoption or child support.

NO MOTION BEFORE CASE CONFERENCE

(4) Before a case conference has been held, no notice of motion or supporting evidence may be served and no motion may be heard, except in a situation of urgency or hardship or for some other reason in the interest of justice.

- a) au moins sept jours avant la tenue d'une conférence en vue d'un règlement amiable;
- b) au plus 30 jours mais au moins sept jours avant la tenue d'un procès.

CORRECTION ET MISE À JOUR DE L'ÉTAT OU DE LA DÉFENSE

(15) Dès qu'une partie se rend compte que les renseignements qui figurent dans son état financier ou son état des biens familiaux nets ou dans une réponse qu'elle donne aux termes de la présente règle sont inexacts ou incomplets ou qu'il s'est produit un changement important en ce qui concerne les renseignements fournis, elle signifie immédiatement à chacune des autres parties à la demande les renseignements exacts ou un nouvel état qui donne les renseignements exacts, ainsi que tous documents à l'appui, et les dépose.

ORDONNANCE DE DÉPÔT D'UN ÉTAT

(16) Si une partie n'a pas signifié ni déposé l'état financier, l'état des biens familiaux nets ou les renseignements qu'exige la présente règle ou une loi, le tribunal peut, sur motion présentée sans préavis, lui ordonner de signifier et de déposer le document ou les renseignements et, en pareil cas, lui ordonner également de payer les dépens.

INOBSERVATION D'UNE ORDONNANCE DE DÉPÔT D'UN ÉTAT OU DE COMMUNICATION DE RENSEIGNEMENTS

(17) Si une partie n'observe pas une ordonnance lui enjoignant de signifier et de déposer un état financier ou un état des biens familiaux nets ou de communiquer des renseignements comme l'exige la présente règle, le tribunal peut :

- a) rejeter la cause de la partie;
- b) radier tout document déposé par la partie;
- c) rendre une ordonnance pour outrage à l'encontre de la partie;
- d) ordonner que la partie ne puisse se servir des renseignements qui auraient dû figurer dans l'état lors de l'audition de la motion ou lors du procès;
- e) rendre toute autre ordonnance appropriée.

RÈGLE 14 : MOTIONS

CAS OÙ UNE MOTION PEUT ÊTRE PRÉSENTÉE

14. (1) La personne qui désire obtenir l'une ou l'autre des mesures suivantes peut présenter une motion en ce sens :

1. Une ordonnance temporaire à l'égard d'une demande présentée dans une requête.
2. Des directives sur la façon de conduire la cause.
3. La modification d'une ordonnance.

PERSONNES QUI PEUVENT PRÉSENTER UNE MOTION

(2) Une motion peut être présentée par une partie à la cause ou par une personne qui a un intérêt dans celle-ci.

PARTIES À LA MOTION

(3) La personne que concerne une motion, mais aux fins de celle-ci uniquement, est également partie à la motion, mais non l'enfant que concerne une motion portant sur la garde, le droit de visite, la protection, l'adoption ou les aliments.

MOTION INTERDITE AVANT LA TENUE D'UNE CONFÉRENCE RELATIVE À LA CAUSE

(4) Avant la tenue d'une conférence relative à la cause, aucun avis de motion ou élément de preuve à l'appui d'une motion ne peut être signifié et aucune motion ne peut être entendue, sauf en cas de situation d'urgence ou de graves difficultés ou pour un autre motif dans l'intérêt de la justice.

MOTION TO CHANGE FINAL ORDER

(5) Despite subrule (4), a party may serve a notice of motion and supporting evidence for an order to change a final order or agreement under rule 15 before a case conference has been held, but the motion may not be heard before a case conference has been held.

OTHER MOTIONS

- (6) Subrule (4) does not apply to a motion,
 - (a) to change a temporary order under subrule 15 (14) (fraud, mistake, lack of notice);
 - (b) for a contempt order under rule 31 or an order striking out a document under subrule (22);
 - (c) for summary judgment under rule 16;
 - (d) to require the Director of the Family Responsibility Office to refrain from suspending a licence; or
 - (e) to limit or suspend a support deduction order.

MOTION INVOLVING COMPLICATED MATTERS

(7) The judge who hears a motion involving complicated matters may,

- (a) order that the motion or any part of it be heard as a trial; and
- (b) give any directions that are necessary.

MOTION BY TELEPHONE OR VIDEO CONFERENCE

(8) A party who wants a motion to be heard by telephone or video conference shall,

- (a) obtain an appointment from the clerk for the hearing of the motion;
- (b) make the necessary arrangements;
- (c) serve a notice of the appointment and arrangements on all other parties, and file it; and
- (d) participate in the motion as the notice specifies.

DOCUMENTS FOR A MOTION

- (9) A motion, whether made with or without notice,
 - (a) requires a notice of motion (Form 14) and an affidavit (Form 14A); and
 - (b) may be supported by additional evidence.

PROCEDURAL, UNCOMPLICATED OR UNOPPOSED MATTERS—MOTION FORM

(10) If a motion is limited to procedural, uncomplicated or unopposed matters, the party making the motion may use a motion form (Form 14B) instead of a notice of motion and affidavit.

MOTION WITH NOTICE

- (11) A party making a motion with notice shall,

MOTION EN MODIFICATION D'UNE ORDONNANCE DÉFINITIVE

(5) Malgré le paragraphe (4), une partie peut signifier un avis de motion et les preuves à l'appui en vue d'obtenir la modification d'une ordonnance définitive ou d'un accord visé à la règle 15 avant la tenue d'une conférence relative à la cause, mais la motion ne peut être entendue avant la tenue de la conférence.

AUTRES MOTIONS

(6) Le paragraphe (4) ne s'applique pas à l'une ou l'autre des motions suivantes :

- a) une motion en modification d'une ordonnance temporaire, visée au paragraphe 15 (14) (fraude, erreur, absence de préavis);
- b) une motion visant à obtenir une ordonnance pour outrage, visée à la règle 31, ou une ordonnance radiant un document, visée au paragraphe (22);
- c) une motion visant à obtenir un jugement sommaire, visée à la règle 16;
- d) une motion en vue d'exiger du directeur du Bureau des obligations familiales qu'il ne suspende pas un permis;
- e) une motion visant à limiter ou à suspendre une ordonnance de retenue des aliments.

MOTION COMPLEXE

(7) Le juge qui entend une motion qui soulève des questions compliquées peut :

- a) d'une part, ordonner que tout ou partie de la motion soit entendu comme un procès;
- b) d'autre part, donner toutes directives nécessaires.

AUDITION D'UNE MOTION PAR CONFÉRENCE TÉLÉPHONIQUE OU VIDÉOCONFÉRENCE

(8) La partie qui désire qu'une motion soit entendue par conférence téléphonique ou vidéoconférence fait ce qui suit :

- a) elle obtient du greffier un rendez-vous pour l'audition de la motion;
- b) elle prend les dispositions nécessaires;
- c) elle signifie aux autres parties un avis du rendez-vous et des dispositions qui ont été prises et le dépose;
- d) elle participe à l'audition de la motion de la façon que précise l'avis.

DOCUMENTS AUX FINS D'UNE MOTION

- (9) Qu'elle soit présentée avec ou sans préavis, toute motion :
 - a) d'une part, exige un avis de motion (formule 14) et un affidavit (formule 14A);
 - b) d'autre part, peut être appuyée de preuves additionnelles.

QUESTIONS DE PROCÉDURE, QUESTIONS NON COMPLIQUÉES OU QUESTIONS NON CONTESTÉES — FORMULE DE MOTION

(10) Si une motion ne porte que sur des questions de procédure ou des questions non compliquées ou non contestées, la partie qui la présente peut se servir d'une formule de motion (formule 14B) au lieu d'un avis de motion et d'un affidavit.

MOTION PRÉSENTÉE AVEC PRÉAVIS

- (11) La partie qui présente une motion avec préavis fait ce qui suit :

- (a) serve the documents mentioned in subrule (9) or (10) on all other parties, not later than four days before the motion date;
- (b) file the documents as soon as possible after service, but not later than two days before the motion date; and
- (c) file a confirmation (Form 14C) not later than 2 p.m. on the day before the motion date.

MOTION WITHOUT NOTICE

- (12) A motion may be made without notice if,
 - (a) the nature or circumstances of the motion make notice unnecessary or not reasonably possible;
 - (b) there is an immediate danger of a child's removal from Ontario, and the delay involved in serving a notice of motion would probably have serious consequences;
 - (c) there is an immediate danger to the health or safety of a child or of the party making the motion, and the delay involved in serving a notice of motion would probably have serious consequences; or
 - (d) service of a notice of motion would probably have serious consequences.

FILING FOR MOTION WITHOUT NOTICE

- (13) The documents for use on a motion without notice shall be filed on or before the motion date, unless the court orders otherwise.

ORDER MADE ON MOTION WITHOUT NOTICE

- (14) An order made on motion without notice (Form 14D) shall require the matter to come back to the court and, if possible, to the same judge, within 14 days or on a date chosen by the court.

SERVICE OF ORDER MADE WITHOUT NOTICE

- (15) An order made on motion without notice shall be served immediately on all parties affected, together with all documents used on the motion, unless the court orders otherwise.

WITHDRAWING A MOTION

- (16) A party making a motion may withdraw it in the same way as an application or answer is withdrawn under rule 12.

EVIDENCE ON A MOTION

- (17) Evidence on a motion may be given by any one or more of the following methods:

1. An affidavit or other admissible evidence in writing.
2. A transcript of the questions and answers on a questioning under rule 20.
3. With the court's permission, oral evidence.

AFFIDAVIT BASED ON PERSONAL KNOWLEDGE

- (18) An affidavit for use on a motion shall, as much as possible, contain only information within the personal knowledge of the person signing the affidavit.

AFFIDAVIT BASED ON OTHER INFORMATION

- (19) The affidavit may also contain information that the person learned from someone else, but only if,

- a) elle signifie les documents mentionnés au paragraphe (9) ou (10) aux autres parties, au plus tard quatre jours avant la date d'audition de la motion;
- b) elle dépose les documents dès que possible après la signification, mais au plus tard deux jours avant la date d'audition de la motion;
- c) elle dépose une confirmation (formule 14C) au plus tard à 14 heures le jour précédant la date d'audition de la motion.

MOTION PRÉSENTÉE SANS PRÉAVIS

- (12) Une motion peut être présentée sans préavis si, selon le cas :
 - a) la nature ou les circonstances de la motion rendent le préavis inutile ou impossible à donner dans des conditions raisonnables;
 - b) il existe un risque immédiat qu'un enfant soit retiré de l'Ontario et le retard à agir qu'entraînerait la signification d'un avis de motion aurait probablement de graves conséquences;
 - c) il existe un danger immédiat pour la santé ou la sécurité d'un enfant ou de la partie qui présente la motion, et le retard à agir qu'entraînerait la signification d'un avis de motion aurait probablement de graves conséquences;
 - d) la signification d'un avis de motion aurait probablement de graves conséquences.

DÉPÔT DES DOCUMENTS AUX FINS D'UNE MOTION PRÉSENTÉE SANS PRÉAVIS

- (13) Les documents à utiliser dans le cadre d'une motion présentée sans préavis sont déposés au plus tard à la date d'audition de la motion, sauf ordonnance contraire du tribunal.

ORDONNANCE RENDUE SUR MOTION PRÉSENTÉE SANS PRÉAVIS

- (14) Toute ordonnance rendue sur motion présentée sans préavis (formule 14D) exige que la question soit de nouveau portée devant le tribunal et, si possible, le même juge dans les 14 jours qui suivent ou à la date que fixe le tribunal.

SIGNIFICATION DE L'ORDONNANCE RENDUE SUR MOTION PRÉSENTÉE SANS PRÉAVIS

- (15) Sauf ordonnance contraire du tribunal, l'ordonnance rendue sur motion présentée sans préavis, accompagnée des documents utilisés dans le cadre de la motion, est signifiée immédiatement à toutes les parties intéressées.

RETRAIT D'UNE MOTION

- (16) La partie qui présente une motion peut la retirer de la même manière qu'une requête ou une défense est retirée aux termes de la règle 12.

PREUVES DANS LE CADRE D'UNE MOTION

- (17) Les preuves à utiliser dans le cadre d'une motion peuvent être fournies par un ou plusieurs des moyens suivants :

1. Un affidavit ou toute autre preuve admissible par écrit.
2. Une transcription des questions posées et des réponses fournies lors d'un interrogatoire mené aux termes de la règle 20.
3. Avec la permission du tribunal, des témoignages oraux.

AFFIDAVIT FONDÉ SUR LA CONNAISSANCE DIRECTE

- (18) L'affidavit à utiliser dans le cadre d'une motion ne contient, autant que possible, que des renseignements dont la personne qui le signe a une connaissance directe.

AFFIDAVIT FONDÉ SUR D'AUTRES RENSEIGNEMENTS

- (19) L'affidavit peut également contenir des renseignements que la personne a obtenus d'une autre personne, mais uniquement si :

- (a) the source of the information is identified by name and the affidavit states that the person signing it believes the information is true; and
- (b) in addition, if the motion is a contempt motion under rule 31, the information is not likely to be disputed.

RESTRICTIONS ON EVIDENCE

(20) The following restrictions apply to evidence for use on a motion, unless the court orders otherwise:

1. The party making the motion shall serve all the evidence in support of the motion with the notice of motion.
2. The party responding to the motion shall then serve all the evidence in response.
3. The party making the motion may then serve evidence replying to any new matters raised by the evidence served by the party responding to the motion.
4. No other evidence may be used.

NO MOTIONS WITHOUT COURT'S PERMISSION

(21) If a party tries to delay the case or add to its costs or in any other way to abuse the court's process by making numerous motions without merit, the court may order the party not to make any other motions in the case without the court's permission.

MOTION TO STRIKE OUT DOCUMENT

(22) The court may, on motion, strike out all or part of any document that may delay or make it difficult to have a fair trial or that is inflammatory, a waste of time, a nuisance or an abuse of the court process.

FAILURE TO OBEY ORDER MADE ON MOTION

(23) A party who does not obey an order that was made on motion is not entitled to any further order from the court unless the court orders that this subrule does not apply, and the court may on motion, in addition to any other remedy allowed under these rules,

- (a) dismiss the party's case or strike out the party's answer or any other document filed by the party;
- (b) postpone the trial;
- (c) make any other order that is appropriate, including an order for costs.

RULE 15: MOTIONS TO CHANGE AN ORDER OR AGREEMENT

SPECIAL SERVICE, MINIMUM NOTICE PERIOD—MOTION TO CHANGE FINAL ORDER OR AGREEMENT

15. (1) Notice of a motion to change a final order or agreement and the supporting evidence shall be served by special service (subrule 6 (3)), and not by regular service,

- (a) not later than 30 days before the motion is to be heard, if the party to be served resides in Canada or the United States of America;
- (b) not later than 60 days before the motion is to be heard, if the party to be served resides elsewhere.

- a) la source des renseignements y est nommée et l'affidavit précise que la personne qui le signe croit que les renseignements sont exacts;
- b) de plus, si la motion est une motion pour outrage visée à la règle 31, les renseignements ne sont pas susceptibles d'être contestés.

RESTRICTIONS RELATIVES À LA PREUVE

(20) Sauf ordonnance contraire du tribunal, les restrictions suivantes s'appliquent aux preuves utilisées dans le cadre d'une motion :

1. La partie qui présente la motion signifie toutes les preuves à l'appui avec l'avis de motion.
2. La partie qui répond à la motion signifie ensuite toutes les preuves à l'appui de sa réponse.
3. La partie qui présente la motion peut ensuite signifier des preuves en réponse à toute nouvelle question que soulèvent les preuves signifiées par la partie qui répond à la motion.
4. Aucune autre preuve ne peut être utilisée.

INTERDICTION DE PRÉSENTER DES MOTIONS SANS LA PERMISSION DU TRIBUNAL

(21) Si une partie essaie de retarder la cause, d'en augmenter les frais ou de recourir abusivement au tribunal d'une autre façon en présentant de nombreuses motions sans fondement, le tribunal peut lui ordonner de ne pas présenter d'autres motions dans le cadre de la cause sans sa permission.

MOTION EN RADIATION D'UN DOCUMENT

(22) Le tribunal peut, sur motion, radier tout ou partie d'un document susceptible de retarder ou de rendre difficile la tenue d'un procès équitable ou d'un document qui est incendiaire, est présenté dans l'intention de causer des embêtements ou constitue une perte de temps ou un recours abusif au tribunal.

INOBSERVATION D'UNE ORDONNANCE RENDUE SUR MOTION

(23) La partie qui n'observe pas une ordonnance rendue sur motion n'a droit à aucune autre ordonnance du tribunal, à moins que celui-ci n'ordonne que le présent paragraphe ne s'applique pas, et le tribunal peut, sur motion, en plus de toute autre mesure de redressement que permettent les présentes règles :

- a) rejeter la cause de la partie ou radier sa défense ou tout autre document qu'elle a déposé;
- b) reporter le procès;
- c) rendre toute autre ordonnance appropriée, y compris une ordonnance d'adjudication des dépens.

RÈGLE 15 : MOTIONS EN MODIFICATION D'UNE ORDONNANCE OU D'UN ACCORD

SIGNIFICATION SPÉCIALE — MOTION EN MODIFICATION D'UNE ORDONNANCE DÉFINITIVE OU D'UN ACCORD

15. (1) L'avis d'une motion en modification d'une ordonnance définitive ou d'un accord et les preuves à l'appui sont signifiés par voie de signification spéciale (paragraphe 6 (3)) et non par voie de signification ordinaire :

- a) au plus tard 30 jours avant l'audition de la motion, si la partie qui doit recevoir signification réside au Canada ou aux États-Unis d'Amérique;
- b) au plus tard 60 jours avant l'audition de la motion, si la partie réside ailleurs.

REGULAR SERVICE ON OFFICIALS, AGENCIES, ETC.

(2) Despite subrule (1), the notice of motion and evidence may be served on the persons mentioned in subrule 8 (6) (officials, agencies, etc.) by regular service.

PLACE FOR MOTION TO CHANGE ORDER OR AGREEMENT

(3) Rule 5 (where a case starts) applies to a motion to change an order or agreement as if the motion were a new case.

CHANGE OF SUPPORT—SERVICE ON ASSIGNEE OF SUPPORT

(4) In a motion to change a support order or agreement that has been assigned to a person or agency, as the *Divorce Act* (Canada) and the *Family Law Act* permit, the parties shall serve their documents on the assignee as if the assignee were also a party.

ASSIGNEE MAY BECOME PARTY

(5) On serving and filing a notice claiming a financial interest in the motion, the assignee becomes a respondent to the extent of the financial interest.

SANCTIONS IF ASSIGNEE NOT SERVED

- (6) If the assignee is not served as subrule (4) requires,
 - (a) the court may at any time, on motion by the assignee with notice to the other parties, set aside the changed order to the extent that it affects the assignee's financial interest;
 - (b) the party who asked for the change has the burden of proving that the changed order should not be set aside; and
 - (c) if the changed order is set aside, the assignee is entitled to full recovery of its costs of the motion to set aside, unless the court orders otherwise.

CONTENTS OF AFFIDAVIT

(7) An affidavit for use on a motion to change an order or agreement shall set out,

- (a) the place where the parties and the children ordinarily reside;
- (b) the name and birth date of each child to whom a proposed change relates;
- (c) whether a party has married or begun living with another person;
- (d) details of current custody and access arrangements;
- (e) details of current support arrangements, including details of any unpaid support;
- (f) details of the change asked for and of the changed circumstances that are grounds for a change in the order or agreement;
- (g) details of any efforts made to mediate or settle the issues and of any assessment report on custody or access;

SIGNIFICATION ORDINAIRE AUX FONCTIONNAIRES PUBLICS, ORGANISMES ET AUTRES PERSONNES

(2) Malgré le paragraphe (1), l'avis de motion et les preuves peuvent être signifiés aux personnes mentionnées au paragraphe 8 (6) (fonctionnaires publics, organismes et autres personnes) par voie de signification ordinaire.

LIEU D'AUDITION DE LA MOTION EN MODIFICATION D'UNE ORDONNANCE OU D'UN ACCORD

(3) La règle 5 (lieu où une cause est introduite) s'applique à une motion en modification d'une ordonnance ou d'un accord comme si la motion était une nouvelle cause.

MODIFICATION D'UNE ORDONNANCE ALIMENTAIRE — SIGNIFICATION AU CESSIONNAIRE

(4) Dans une motion en modification d'une ordonnance alimentaire ou d'un accord relatif aux aliments qui a été cédé à une personne ou à un organisme, comme le permettent la *Loi sur le divorce* (Canada) et la *Loi sur le droit de la famille*, les parties signifient leurs documents au cessionnaire comme s'il était également une partie.

CESSIONNAIRE COMME PARTIE

(5) Le cessionnaire qui signifie et dépose un avis dans lequel il revendique un intérêt financier dans la motion devient un intimé jusqu'à concurrence de son intérêt.

SANCTIONS EN L'ABSENCE DE SIGNIFICATION AU CESSIONNAIRE

- (6) Si le cessionnaire ne reçoit pas signification comme l'exige le paragraphe (4) :
 - a) le tribunal peut, sur motion du cessionnaire présentée avec préavis aux autres parties, annuler l'ordonnance modifiée dans la mesure où elle a une incidence sur l'intérêt financier du cessionnaire;
 - b) il incombe à la partie qui a demandé la modification de prouver que l'ordonnance modifiée ne devrait pas être annulée;
 - c) en cas d'annulation de l'ordonnance modifiée, le cessionnaire a droit, sauf ordonnance contraire du tribunal, au recouvrement intégral des frais qu'il a engagés relativement à la motion en annulation.

CONTENU DE L'AFFIDAVIT

(7) L'affidavit à utiliser dans le cadre d'une motion en modification d'une ordonnance ou d'un accord indique ce qui suit :

- a) le lieu où résident ordinairement les parties et les enfants;
- b) les nom et date de naissance de chaque enfant auquel se rapporte une modification demandée;
- c) la question de savoir si la partie est mariée ou a commencé à vivre avec une autre personne;
- d) des précisions au sujet des arrangements actuels quant à la garde et au droit de visite;
- e) des précisions au sujet des arrangements actuels quant aux aliments, y compris des précisions au sujet des aliments impayés;
- f) des précisions au sujet de la modification demandée et des nouvelles circonstances qui constituent un motif de modification de l'ordonnance ou de l'accord;
- g) des précisions au sujet des efforts qui ont été faits pour régler, par voie de médiation ou de règlement amiable, les questions en litige et au sujet des rapports d'évaluation éventuels sur la garde ou le droit de visite;

- (h) in a motion to change a support order or agreement, whether the support was assigned and any details of the assignment known to the party asking for the change;
- (i) in a motion to change a child support order or agreement, income and financial information required by section 21 of the applicable child support guidelines; and
- (j) in a motion to change a child support order or agreement to an amount different from the amount in the table of the applicable child support guidelines, evidence to satisfy the court that it should make the order asked for.

EXHIBIT TO AFFIDAVIT

(8) In addition, a copy of any existing order or agreement that deals with custody, access or support shall be attached as an exhibit to the affidavit, unless a copy is already in the continuing record, and then the affidavit shall indicate its location in the record.

CHILD SUPPORT CHANGE ON CONSENT

(9) Subrule (10) applies instead of subrule (7) if the parties have agreed to an order,

- (a) that changes only a child support order or agreement; and
- (b) the only terms of which are one or more of the following:
 1. Payment of child support, whether in accordance with the applicable child support guidelines or not, or ending child support.
 2. Suspension, reduction or cancellation of unpaid child support.
 3. Payment of unpaid child support in accordance with a payment schedule.
 4. Payment of costs.

CHILD SUPPORT CHANGE ON CONSENT—MATERIAL TO BE FILED

(10) In a case described in subrule (9), instead of serving and filing a notice of motion and the affidavit described in subrule (7), the parties shall file,

- (a) a change information form (Form 15) with all required attachments;
- (b) a consent (Form 15A);
- (c) five copies of a draft order;
- (d) a stamped envelope addressed to each party;
- (e) a support deduction order information form prescribed under the *Family Responsibility and Support Arrears Enforcement Act, 1996*; and
- (f) a draft support deduction order.

CONSENT MOTION—PARTIES NOT TO COME TO COURT

- (11) If the parties have filed the material described in subrule (10),

- (h) dans une motion en modification d'une ordonnance alimentaire ou d'un accord relatif aux aliments, la question de savoir si les aliments ont été cédés et tous renseignements au sujet de la cession dont a connaissance la partie qui demande la modification;
- (i) dans une motion en modification d'une ordonnance alimentaire ou d'un accord relatif aux aliments à l'égard d'un enfant, les renseignements sur le revenu et la situation financière exigés par l'article 21 des lignes directrices applicables sur les aliments pour les enfants;
- (j) dans une motion en modification d'une ordonnance alimentaire ou d'un accord relatif aux aliments à l'égard d'un enfant pour obtenir une somme différente de celle qui figure dans la table des lignes directrices applicables sur les aliments pour les enfants, des preuves de nature à convaincre le tribunal qu'il devrait rendre l'ordonnance demandée.

PIÈCE JOINTE À L'AFFIDAVIT

(8) De plus, une copie de toute ordonnance ou de tout accord existants portant sur la garde, le droit de visite ou les aliments est jointe à l'affidavit en tant que pièce, sauf s'il y en a déjà une dans le dossier continu, auquel cas l'affidavit indique à quel endroit dans celui-ci.

MODIFICATION SUR CONSENTEMENT DES ALIMENTS POUR LES ENFANTS

(9) Le paragraphe (10) s'applique au lieu du paragraphe (7) si les parties ont convenu d'une ordonnance :

- a) qui ne fait que modifier une ordonnance alimentaire ou un accord relatif aux aliments à l'égard d'un enfant;
- b) dont les seules conditions sont un ou plusieurs des éléments suivants :
 1. Le versement d'aliments, qu'il soit effectué ou non conformément aux lignes directrices applicables sur les aliments pour les enfants, ou la cessation de tels aliments.
 2. La suspension, la réduction ou l'annulation des aliments impayés pour les enfants.
 3. Le versement des aliments impayés pour les enfants conformément à un calendrier préétabli.
 4. Le paiement des dépens.

MODIFICATION SUR CONSENTEMENT DES ALIMENTS POUR LES ENFANTS — DOCUMENTS À DÉPOSER

(10) Dans les cas dont il est question au paragraphe (9), au lieu de signifier et de déposer un avis de motion et l'affidavit mentionné au paragraphe (7), les parties déposent :

- a) une formule de renseignements visant une modification (formule 15) avec toutes les pièces qui doivent y être jointes;
- b) un consentement (formule 15A);
- c) cinq copies d'un projet d'ordonnance;
- d) une enveloppe affranchie adressée à chaque partie;
- e) une formule de renseignements sur l'ordonnance de retenue des aliments prescrite aux termes de la *Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments*;
- f) un projet d'ordonnance de retenue des aliments.

MOTION SUR CONSENTEMENT — ABSENCE OBLIGATOIRE DES PARTIES AU TRIBUNAL

(11) Si les parties ont déposé les documents mentionnés au paragraphe (10) :

- (a) they shall not come to court, but the clerk shall present the material to a judge; and
- (b) the judge may make the order asked for, or require one or both parties to file further material or come to court.

CONTESTED CHILD SUPPORT CHANGE—MATERIAL TO BE SERVED

(12) If a motion to change a child support order or agreement is not proceeding with the other party's consent,

- (a) the party asking for the change may serve and file a change information form (Form 15) with all required attachments, instead of an affidavit;
- (b) the party responding to the motion shall serve and file an affidavit that sets out any disagreement with the evidence of the party asking for the change; and
- (c) if a party claims that an order should not be made in accordance with the tables in the applicable child support guidelines, the support recipient and the support payor shall each serve and file an affidavit containing the evidence required by the following sections of the applicable child support guidelines, or the evidence that is otherwise necessary to satisfy the court that it should make the order asked for:

Section 4 (income over \$150,000)

Section 5 (step-parent)

Section 7 (special expenses)

Section 8 (split custody)

Section 9 (shared custody)

Section 10 (undue hardship)

Section 21 (income and financial information)

POWERS OF COURT

(13) If the court is of the opinion that a motion, whether made on consent or not, can not be properly dealt with because of the material filed, because of the matters in dispute or for any other reason, the court may give directions, including directions for a trial.

CHANGING ORDER—FRAUD, MISTAKE, LACK OF NOTICE

- (14) The court may, on motion, change an order that,
 - (a) was obtained by fraud;
 - (b) contains a mistake;
 - (c) needs to be changed to deal with a matter that was before the court but that it did not decide;
 - (d) was made on a motion without notice; or
 - (e) was made on a motion with notice, if through accident or inadequate notice an affected party did not appear on the motion.

STATUS REVIEW APPLICATIONS

- (15) This rule does not apply to status review applications.

- a) d'une part, elles ne doivent pas se présenter au tribunal, le greffier devant se charger de soumettre les documents au juge;
- b) d'autre part, le juge peut rendre l'ordonnance demandée ou exiger que l'une des parties ou les deux déposent d'autres documents ou se présentent au tribunal.

MODIFICATION CONTESTÉE DES ALIMENTS POUR LES ENFANTS — DOCUMENTS À SIGNIFIER

(12) Si une motion en modification d'une ordonnance alimentaire ou d'un accord relatif aux aliments à l'égard d'un enfant n'est pas présentée avec le consentement de l'autre partie :

- a) la partie qui demande la modification peut signifier et déposer une formule de renseignements visant une modification (formule 15), avec toutes les pièces qui doivent y être jointes, au lieu d'un affidavit;
- b) la partie qui présente une défense à la motion signifie et dépose un affidavit dans lequel elle indique ce en quoi elle n'est pas d'accord avec la preuve de la partie qui demande la modification;
- c) si une partie prétend qu'une ordonnance ne devrait pas être rendue conformément aux tables des lignes directrices applicables sur les aliments pour les enfants, le bénéficiaire et le payeur des aliments signifient et déposent chacun un affidavit comprenant les preuves exigées par les articles suivants des lignes directrices ou les preuves qui sont nécessaires par ailleurs pour convaincre le tribunal qu'il ne devrait pas rendre l'ordonnance demandée :

Article 4 (revenu supérieur à 150 000 \$)

Article 5 (personne tenant lieu de père ou de mère)

Article 7 (dépenses spéciales)

Article 8 (garde exclusive d'un ou de plusieurs enfants)

Article 9 (garde partagée)

Article 10 (difficultés excessives)

Article 21 (renseignements sur le revenu et la situation financière)

POUVOIRS DU TRIBUNAL

(13) S'il est d'avis qu'une motion, qu'elle soit présentée ou non sur consentement, ne peut être traitée adéquatement à cause des documents déposés, des questions en litige ou pour une autre raison, le tribunal peut donner des directives, y compris des directives pour la tenue d'un procès.

MODIFICATION DE L'ORDONNANCE — FRAUDE, ERREUR, ABSENCE DE PRÉAVIS

(14) Le tribunal peut, sur motion, modifier une ordonnance qui, selon le cas :

- a) a été obtenue par fraude;
- b) contient une erreur;
- c) a besoin d'être modifiée pour régler une question qui a été portée devant le tribunal, mais qu'il n'a pas tranchée;
- d) a été rendue sur motion présentée sans préavis;
- e) a été rendue sur motion présentée avec préavis si une partie concernée ne s'est pas présentée à l'audition de la motion pour cause d'accident ou d'avis insuffisant.

REQUÊTES EN RÉVISION DE STATUT

- (15) La présente règle ne s'applique pas aux requêtes en révision de statut.

RULE 16: SUMMARY JUDGMENT**WHEN AVAILABLE**

16. (1) After the respondent has served an answer or after the time for serving an answer has expired, a party may make a motion for summary judgment for a final order without a trial on all or part of any claim made or any defence presented in the case.

AVAILABLE IN ANY CASE EXCEPT DIVORCE

(2) A motion for summary judgment under subrule (1) may be made in any case (including a child protection case) that does not include a divorce claim.

DIVORCE CLAIM

(3) In a case that includes a divorce claim, the procedure provided in rule 36 (divorce) for an uncontested divorce may be used, or the divorce claim may be split from the rest of the case under subrule 12 (6).

EVIDENCE REQUIRED

(4) The party making the motion shall serve an affidavit or other evidence that sets out specific facts showing that there is no genuine issue requiring a trial.

EVIDENCE NOT FROM PERSONAL KNOWLEDGE

(5) If a party's evidence is not from a person who has personal knowledge of the facts in dispute, the court may draw conclusions unfavourable to the party.

NO ISSUE FOR TRIAL

(6) If there is no genuine issue requiring a trial of a claim or defence, the court shall make a final order accordingly.

ONLY ISSUE AMOUNT OF ENTITLEMENT

(7) If the only genuine issue is the amount to which a party is entitled, the court shall order a trial to decide the amount.

ONLY ISSUE QUESTION OF LAW

(8) If the only genuine issue is a question of law, the court shall decide the issue and make a final order accordingly.

ORDER GIVING DIRECTIONS

(9) If the court does not make a final order, or makes an order for a trial of an issue, the court may also,

- (a) specify what facts are not in dispute, state the issues and give directions about how and when the case will go to trial (in which case the order governs how the trial proceeds, unless the trial judge orders otherwise to prevent injustice);
- (b) give directions; and
- (c) impose conditions (for example, require a party to pay money into court as security, or limit a party's pretrial disclosure).

RÈGLE 16 : JUGEMENT SOMMAIRE**APPLICABILITÉ**

16. (1) Après que l'intimé a signifié une défense ou après l'expiration du délai prévu pour le faire, une partie peut présenter une motion en jugement sommaire en vue d'obtenir une ordonnance définitive sans procès sur tout ou partie d'une demande ou d'une défense présentée dans la cause.

APPLICABILITÉ DANS TOUTES LES CAUSES À L'EXCEPTION DU DIVORCE

(2) La motion en jugement sommaire prévue au paragraphe (1) peut être présentée dans toute cause (y compris une cause portant sur la protection d'un enfant) qui ne comprend pas une demande de divorce.

DEMANDE DE DIVORCE

(3) Dans une cause qui comprend une demande de divorce, la procédure prévue à la règle 36 (divorce) pour un divorce non contesté peut être suivie ou la demande de divorce peut être séparée des autres questions en litige dans la cause en vertu du paragraphe 12 (6).

PREUVES EXIGÉES

(4) La partie qui présente la motion signifie un affidavit ou d'autres preuves exposant des faits précis qui montrent qu'aucune question en litige véritable n'exige la tenue d'un procès.

PREUVE QUI NE PROVIENT PAS DE LA CONNAISSANCE DIRECTE

(5) Si la preuve d'une partie ne provient pas d'une personne qui a une connaissance directe des faits en litige, le tribunal peut tirer des conclusions qui sont défavorables à la partie.

ABSENCE DE QUESTION EN LITIGE VÉRITABLE

(6) Si aucune question en litige véritable n'exige la tenue d'un procès sur une demande ou une défense, le tribunal rend une ordonnance définitive en conséquence.

CAS OÙ LA SEULE QUESTION EN LITIGE CONCERNE LA SOMME À LAQUELLE A DROIT LA PARTIE

(7) Si la seule question en litige véritable concerne la somme à laquelle la partie a droit, le tribunal ordonne la tenue d'un procès pour en décider.

CAS OÙ LA SEULE QUESTION EN LITIGE EST UNE QUESTION DE DROIT

(8) Si la seule question en litige véritable est une question de droit, le tribunal décide de la question et rend une ordonnance définitive en conséquence.

ORDONNANCE DONNANT DES DIRECTIVES

(9) S'il ne rend pas d'ordonnance définitive ou qu'il rend une ordonnance exigeant la tenue d'un procès sur une question en litige, le tribunal peut également faire ce qui suit :

- a) préciser les faits non contestés, indiquer les questions en litige et donner des directives sur la façon dont le procès se déroulera et la date de celui-ci (auquel cas l'ordonnance régit le déroulement du procès, à moins que le juge du procès n'ordonne autrement afin d'éviter une injustice);
- b) donner des directives;
- c) imposer des conditions (par exemple, exiger qu'une partie consigne une somme au tribunal comme cautionnement ou limiter la divulgation préalable au procès effectuée par une partie).

COSTS OF UNSUCCESSFUL MOTION

(10) If the party who made the motion has no success on the motion, the court shall decide the amount of the other party's costs of the motion on a full recovery basis and order the party who made the motion to pay them immediately, unless the motion was justified, although unsuccessful.

COSTS—BAD FAITH

(11) If a party has acted in bad faith, the court shall decide the costs of the motion on a full recovery basis and shall order the party to pay them immediately.

MOTION FOR SUMMARY DECISION ON LEGAL ISSUE

(12) The court may, on motion,

- (a) decide a question of law before trial, if the decision may dispose of all or part of the case, substantially shorten the trial or save substantial costs;
- (b) strike out an application, answer or reply because it sets out no reasonable claim or defence in law; or
- (c) dismiss or suspend a case because,
 - (i) the court has no jurisdiction over it,
 - (ii) a party has no legal capacity to carry on the case,
 - (iii) there is another case going on between the same parties about the same matter, or
 - (iv) the case is a waste of time, a nuisance or an abuse of the court process.

EVIDENCE ON MOTION FOR SUMMARY DECISION OF LEGAL ISSUE

(13) On a motion under subrule (12), evidence is admissible only if the parties consent or the court gives permission.

RULE 17: CONFERENCES**CONFERENCES IN DEFENDED CASES**

17. (1) In each case in which an answer is filed,
- (a) a judge shall conduct at least one case conference; and
 - (b) a judge may conduct a settlement conference, a trial management conference or both.

UNDEFENDED CASES

- (2) If no answer is filed,
- (a) the clerk shall, on request, set a date for an uncontested trial or, in an uncontested divorce case, prepare the documents for a judge; and
 - (b) a case conference, settlement conference or trial management conference shall be conducted only if the court orders it.

MOTIONS TO CHANGE ORDER OR AGREEMENT

(3) Subrule (1) applies, with necessary changes, to a motion to change a final order or agreement under rule 15 in which an affidavit is served in response to the motion.

DÉPENS DE LA MOTION REJETÉE

(10) Si la partie qui présente la motion n'a gain de cause à aucun égard, le tribunal fixe le montant des dépens de l'autre partie en fonction du recouvrement intégral de ses frais et lui ordonne de les payer immédiatement, sauf si la motion était justifiée malgré son rejet.

DÉPENS — CAS DE MAUVAISE FOI

(11) Si une partie à la motion a agi de mauvaise foi, le tribunal fixe le montant des dépens de l'autre partie en fonction du recouvrement intégral de ses frais et lui ordonne de les payer immédiatement.

MOTION EN DÉCISION SOMMAIRE SUR UNE QUESTION DE DROIT

(12) Le tribunal peut, sur motion :

- a) soit décider d'une question de droit avant le procès, si la décision est susceptible de régler tout ou partie de la cause, d'abrégier considérablement le procès ou de réduire considérablement les dépens;
- b) soit radier une requête, une défense ou une réponse parce qu'elle ne révèle aucune demande ou défense raisonnable fondée en droit;
- c) soit rejeter ou suspendre une cause parce que, selon le cas,
 - (i) le tribunal n'a pas compétence pour l'entendre,
 - (ii) une partie n'a pas la capacité juridique pour poursuivre la cause,
 - (iii) une autre cause en cours sur la même question oppose les mêmes parties,
 - (iv) la cause constitue une perte de temps ou un recours abusif au tribunal ou est introduite dans l'intention de causer des embêtements.

PREUVES DANS LE CAS D'UNE MOTION EN DÉCISION SOMMAIRE SUR UNE QUESTION DE DROIT

(13) Dans le cadre d'une motion prévue au paragraphe (12), les preuves ne peuvent être présentées que si les parties y consentent ou le tribunal accorde sa permission.

RÈGLE 17 : CONFÉRENCES**CONFÉRENCES DANS LES CAUSES CONTESTÉES**

17. (1) Dans chaque cause dans laquelle une défense est déposée :
- a) d'une part, le juge tient au moins une conférence relative à la cause;
 - b) d'autre part, le juge peut tenir une conférence en vue d'un règlement amiable, une conférence de gestion du procès ou les deux.

CAUSES NON CONTESTÉES

- (2) Si aucune défense n'est déposée :
- a) d'une part, le greffier, sur demande, fixe la date d'un procès non contesté ou, s'il s'agit d'une cause de divorce non contestée, prépare les documents pour le juge;
 - b) d'autre part, une conférence relative à la cause, une conférence en vue d'un règlement amiable ou une conférence de gestion du procès n'a lieu que sur ordonnance du tribunal.

MOTIONS EN MODIFICATION D'UNE ORDONNANCE OU D'UN ACCORD

(3) Le paragraphe (1) s'applique, avec les adaptations nécessaires, à une motion en modification d'une ordonnance définitive ou d'un accord présentée en vertu de la règle 15 dans laquelle un affidavit est signifié en réponse à la motion.

PURPOSES OF CASE CONFERENCE

- (4) The purposes of a case conference include,
- (a) exploring the chances of settling the case;
 - (b) identifying the issues that are in dispute and those that are not in dispute;
 - (c) exploring ways to resolve the issues that are in dispute;
 - (d) ensuring disclosure of the relevant evidence;
 - (e) noting admissions that may simplify the case;
 - (f) setting the date for the next step in the case;
 - (g) if possible, having the parties agree to a specific timetable for the steps to be taken in the case before it comes to trial; and
 - (h) organizing a settlement conference, or holding one if appropriate.

PURPOSES OF SETTLEMENT CONFERENCE

- (5) The purposes of a settlement conference include,
- (a) exploring the chances of settling the case;
 - (b) settling or narrowing the issues in dispute;
 - (c) ensuring disclosure of the relevant evidence;
 - (d) noting admissions that may simplify the case;
 - (e) if possible, obtaining a view of how the court might decide the case;
 - (f) considering any other matter that may help in a quick and just conclusion of the case;
 - (g) if the case is not settled, identifying the witnesses and other evidence to be presented at trial, estimating the time needed for trial and scheduling the case for trial; and
 - (h) organizing a trial management conference, or holding one if appropriate.

PURPOSES OF TRIAL MANAGEMENT CONFERENCE

- (6) The purposes of a trial management conference include,
- (a) exploring the chances of settling the case;
 - (b) arranging to receive evidence by a written report, an agreed statement of facts, an affidavit or another method, if appropriate;
 - (c) deciding how the trial will proceed;
 - (d) ensuring that the parties know what witnesses will testify and what other evidence will be presented at trial;
 - (e) estimating the time needed for trial; and
 - (f) setting the trial date, if this has not already been done.

COMBINED CONFERENCE

(7) On the consent of the judge and the parties, part or all of a case conference, settlement conference and trial management conference may be combined.

OBJET D'UNE CONFÉRENCE RELATIVE À LA CAUSE

- (4) La conférence relative à la cause a notamment pour objet ce qui suit :
- a) examiner les chances de transiger sur la cause;
 - b) déterminer les questions qui sont en litige et celles qui ne le sont pas;
 - c) étudier les moyens de résoudre les questions qui sont en litige;
 - d) veiller à la divulgation des preuves pertinentes;
 - e) noter les admissions susceptibles de simplifier la cause;
 - f) fixer la date de la prochaine étape de la cause;
 - g) obtenir, si possible, l'accord des parties sur un calendrier précis des étapes à suivre dans le cadre de la cause avant le procès;
 - h) organiser une conférence en vue d'un règlement amiable ou en tenir une s'il y a lieu.

OBJET DE LA CONFÉRENCE EN VUE D'UN RÈGLEMENT AMIABLE

- (5) La conférence en vue d'un règlement amiable a notamment pour objet ce qui suit :
- a) examiner les chances de transiger sur la cause;
 - b) transiger sur les questions en litige ou les restreindre;
 - c) veiller à la divulgation des preuves pertinentes;
 - d) noter les admissions susceptibles de simplifier la cause;
 - e) en arriver si possible à une idée de la façon dont le tribunal décidera de la cause;
 - f) examiner les autres questions qui peuvent contribuer à une résolution rapide et équitable de la cause;
 - g) en l'absence de règlement amiable, identifier les témoins devant comparaître et les autres preuves à présenter au procès, évaluer la durée de celui-ci et en fixer la date;
 - h) organiser une conférence de gestion du procès ou en tenir une s'il y a lieu.

OBJET DE LA CONFÉRENCE DE GESTION DU PROCÈS

- (6) La conférence de gestion du procès a notamment pour objet ce qui suit :
- a) examiner les chances de transiger sur la cause;
 - b) prendre des dispositions pour recevoir les témoignages au moyen, notamment, de rapports écrits, d'exposés conjoints des faits ou d'affidavits, s'il y a lieu;
 - c) décider de la façon dont le procès se déroulera;
 - d) veiller à ce que les parties connaissent le nom des témoins qui comparaitront et les autres témoignages qui seront présentés au procès;
 - e) évaluer la durée du procès;
 - f) fixer la date du procès, si cela n'est pas déjà fait.

JONCTION DES CONFÉRENCES

(7) Sur consentement du juge et des parties, une conférence relative à la cause, une conférence en vue d'un règlement amiable et une conférence de gestion du procès peuvent être jointes en totalité ou en partie.

ORDERS AT CONFERENCE

(8) At a case conference, settlement conference or trial management conference the judge may, if it is appropriate to do so,

- (a) make an order for document disclosure (rule 19) or questioning (rule 20), set the times for events in the case or give directions for the trial;
- (b) if notice has been served, make a temporary or final order;
- (c) make an unopposed order or an order on consent; and
- (d) on consent, refer any issue for alternative dispute resolution.

CONFERENCES WITH A NON-JUDGE

(9) A case conference or settlement conference may be conducted by a person who has been named by the appropriate senior judge, unless a party requests a conference with a judge.

SETTLEMENT CONFERENCE WITH JUDGE BEFORE CASE SET FOR TRIAL

(10) A case shall not be scheduled for trial unless,

- (a) a judge has conducted a settlement conference; or
- (b) a judge has ordered that the case be scheduled for trial.

CASE CONFERENCE—MOTION TO CHANGE FINAL ORDER OR AGREEMENT

(11) A motion for an order to change a final order or agreement under rule 15 shall not be heard before a case conference has been held.

ENFORCEMENT—CONFERENCES OPTIONAL

(12) In an enforcement, a case conference, settlement conference or trial management conference may be held at a party's request or on a judge's direction.

PARTIES TO SERVE BRIEFS

(13) Not later than seven days before the date scheduled for the conference, each party shall serve and file a case conference brief (Form 17), settlement conference brief (Form 17A) or trial management conference brief (Form 17B), as appropriate.

PARTIES TO CONFIRM ATTENDANCE

(14) Not later than 2 p.m. on the day before the date scheduled for the conference, each party shall file a confirmation (Form 14C).

PARTIES AND LAWYERS TO COME TO CONFERENCE

(15) The following shall come to each conference:

- 1. The parties, unless the court orders otherwise.
- 2. For each represented party, the lawyer with full knowledge of and authority in the case.

ORDONNANCES RENDUES LORS D'UNE CONFÉRENCE

(8) Lors d'une conférence relative à la cause, d'une conférence en vue d'un règlement amiable ou d'une conférence de gestion du procès, le juge peut, si cela est approprié :

- a) rendre une ordonnance de divulgation de documents (règle 19) ou d'interrogatoire (règle 20), fixer les date et heure des étapes de la cause ou donner des directives pour le procès;
- b) si un avis a été signifié, rendre une ordonnance temporaire ou définitive;
- c) rendre une ordonnance non contestée ou une ordonnance sur consentement;
- d) sur consentement, renvoyer toute question en litige pour règlement extrajudiciaire.

CONFÉRENCES PRÉSIDÉES PAR UNE PERSONNE QUI N'EST PAS JUGE

(9) Une personne nommée par le juge principal compétent peut présider une conférence relative à la cause ou une conférence en vue d'un règlement amiable, à moins qu'une partie ne demande une conférence devant un juge.

CONFÉRENCE EN VUE D'UN RÈGLEMENT AMIABLE DEVANT UN JUGE AVANT LA FIXATION DE LA DATE DU PROCÈS

(10) La date du procès ne doit pas être fixée à moins que, selon le cas :

- a) un juge n'ait tenu une conférence en vue d'un règlement amiable;
- b) un juge n'ait ordonné la fixation de cette date.

CONFÉRENCE RELATIVE À LA CAUSE — MOTION EN MODIFICATION D'UNE ORDONNANCE DÉFINITIVE OU D'UN ACCORD

(11) Une motion visant à obtenir une ordonnance en modification d'une ordonnance définitive ou d'un accord présentée en vertu de la règle 15 ne doit pas être entendue avant la tenue d'une conférence relative à la cause.

EXÉCUTION — CONFÉRENCES FACULTATIVES

(12) Dans le cadre d'une procédure d'exécution, une conférence relative à la cause, une conférence en vue d'un règlement amiable ou une conférence de gestion du procès peut être tenue si une partie le demande ou qu'un juge l'ordonne.

MÉMOIRES QUE DOIVENT SIGNIFIER LES PARTIES

(13) Au plus tard sept jours avant la date prévue pour la conférence, chaque partie signifie et dépose un mémoire de conférence relative à la cause (formule 17), un mémoire de conférence en vue d'un règlement amiable (formule 17A) ou un mémoire de conférence de gestion du procès (formule 17B), selon le cas.

CONFIRMATION DE LEUR PRÉSENCE PAR LES PARTIES

(14) Au plus tard à 14 heures la veille de la date prévue pour la conférence, chaque partie dépose une confirmation (formule 14C).

OBLIGATION DES PARTIES ET DE LEURS AVOCATS D'ASSISTER À LA CONFÉRENCE

(15) Les personnes suivantes assistent à chaque conférence :

- 1. Les parties, sauf ordonnance contraire du tribunal.
- 2. Pour chaque partie représentée, l'avocat qui a une connaissance complète de la cause et qui est habilité à agir dans celle-ci

PARTICIPATION BY TELEPHONE OR VIDEO CONFERENCE

(16) With permission obtained in advance from the judge who is to conduct a conference, a party or lawyer may participate in the conference by telephone or video conference.

SETTING UP TELEPHONE OR VIDEO CONFERENCE

(17) A party or lawyer who has permission to participate by telephone or video conference shall,

- (a) make the necessary arrangements;
- (b) serve a notice of the arrangements on all other parties and file it; and
- (c) participate in the conference as the notice specifies.

COSTS OF ADJOURNED CONFERENCE

(18) If a conference is adjourned because a party is not prepared, has not served the required brief, has not made the required disclosure or has otherwise not followed these rules, the judge shall,

- (a) order the party to pay the costs of the conference immediately;
- (b) decide the amount of the costs; and
- (c) give any directions that are needed.

CONFERENCE AGREEMENT

(19) No agreement reached at a conference is effective until it is signed by the parties, witnessed and, in a case involving a special party, approved by the court.

AGREEMENT FILED IN CONTINUING RECORD

(20) The agreement shall be filed as part of the continuing record, unless the court orders otherwise.

CONFERENCE BRIEF TO BE RETURNED

(21) A conference brief does not form part of the continuing record or court file and shall be returned, at the end of the conference, to the party who filed it.

BRIEF DESTROYED IF NOT RETURNED

(22) If a conference brief is not returned to a party at the end of a conference, the court staff shall destroy the brief immediately after the conference.

CONFIDENTIALITY OF SETTLEMENT CONFERENCE

(23) No brief or evidence prepared for a settlement conference and no statement made at a settlement conference shall be disclosed to any other judge, except in,

- (a) an agreement reached at a settlement conference; or
- (b) an order.

SETTLEMENT CONFERENCE JUDGE CANNOT HEAR ISSUE

(24) A judge who conducts a settlement conference about an issue shall not hear the issue.

RULE 18: OFFERS TO SETTLE**DEFINITION**

18. (1) In this rule,

PARTICIPATION PAR CONFÉRENCE TÉLÉPHONIQUE OU VIDÉOCONFÉRENCE

(16) Une partie ou un avocat peut participer à une conférence par conférence téléphonique ou vidéoconférence avec la permission préalable du juge qui la préside.

ORGANISATION D'UNE CONFÉRENCE TÉLÉPHONIQUE OU D'UNE VIDÉOCONFÉRENCE

(17) La partie ou l'avocat qui a la permission d'assurer sa participation par conférence téléphonique ou vidéoconférence :

- a) prend les dispositions nécessaires à cette fin;
- b) signifie un avis des dispositions prises aux autres parties et le dépose;
- c) participe à la conférence comme le précise l'avis.

DÉPENS D'UNE CONFÉRENCE AJOURNÉE

(18) Si une conférence est ajournée parce qu'une partie n'est pas préparée, n'a pas signifié le mémoire exigé, n'a pas effectué la divulgation exigée ou n'a pas observé les présentes règles sous un autre rapport, le juge :

- a) ordonne à la partie de payer immédiatement les dépens de la conférence;
- b) fixe le montant des dépens;
- c) donne toutes directives nécessaires.

ACCORD CONCLU LORS D'UNE CONFÉRENCE

(19) Aucun accord conclu lors d'une conférence ne prend effet tant qu'il n'est pas signé par les parties et les témoins et, dans une cause qui concerne une partie spéciale, approuvé par le tribunal.

ACCORD VERSÉ AU DOSSIER CONTINU

(20) Sauf ordonnance contraire du tribunal, l'accord est versé au dossier continu.

RETOUR DU MÉMOIRE DE CONFÉRENCE

(21) Un mémoire de conférence ne fait pas partie du dossier continu ou du dossier du greffe et, à la fin de la conférence, il est retourné à la partie qui l'a déposé.

DESTRUCTION DU MÉMOIRE S'IL N'EST PAS RETOURNÉ

(22) Si le mémoire de conférence n'est pas retourné à la partie à la fin de la conférence, le personnel du tribunal le détruit immédiatement après celle-ci.

CARACTÈRE CONFIDENTIEL DE LA CONFÉRENCE EN VUE D'UN RÈGLEMENT AMIABLE

(23) Les mémoires et les preuves préparés pour une conférence en vue d'un règlement amiable et les déclarations faites lors d'une telle conférence ne doivent pas être divulgués à un autre juge, sauf :

- a) dans un accord conclu lors de la conférence;
- b) dans une ordonnance.

COMPÉTENCE DU JUGE QUI PRÉSIDE LA CONFÉRENCE EN VUE D'UN RÈGLEMENT AMIABLE

(24) Le juge qui préside une conférence en vue d'un règlement amiable ne doit pas entendre la question en litige.

RÈGLE 18 : OFFRES DE RÈGLEMENT AMIABLE**DÉFINITION**

18. (1) La définition qui suit s'applique à la présente règle.

“offer” means an offer to settle one or more claims in a case, motion, appeal or enforcement, and includes a counter-offer.

APPLICATION

(2) This rule applies to an offer made at any time, even before the case is started.

MAKING AN OFFER

(3) A party may serve an offer on any other party.

OFFER TO BE SIGNED BY PARTY AND LAWYER

(4) An offer shall be signed personally by the party making it and also by the party's lawyer, if any.

WITHDRAWING AN OFFER

(5) A party who made an offer may withdraw it by serving a notice of withdrawal, at any time before the offer is accepted.

TIME-LIMITED OFFER

(6) An offer that is not accepted within the time set out in the offer is considered to have been withdrawn.

OFFER EXPIRES WHEN COURT BEGINS TO GIVE DECISION

(7) An offer may not be accepted after the court begins to give a decision that disposes of a claim dealt with in the offer.

CONFIDENTIALITY OF OFFER

(8) The terms of an offer,

(a) shall not be mentioned in any document filed in the continuing record; and

(b) shall not be mentioned to the judge hearing the claim dealt with in the offer, until the judge has dealt with all the issues in dispute except costs.

ACCEPTING AN OFFER

(9) The only valid way of accepting an offer is by serving an acceptance on the party who made the offer, at any time before,

(a) the offer is withdrawn; or

(b) the court begins to give a decision that disposes of a claim dealt with in the offer.

OFFER REMAINS OPEN DESPITE REJECTION OR COUNTER-OFFER

(10) A party may accept an offer in accordance with subrule (9) even if the party has previously rejected the offer or made a counter-offer.

COSTS NOT DEALT WITH IN OFFER

(11) If an accepted offer does not deal with costs, either party is entitled to ask the court for costs.

COURT APPROVAL, OFFER INVOLVING SPECIAL PARTY

(12) A special party may make, withdraw and accept an offer, but another party's acceptance of a special party's offer and a special party's acceptance of another party's offer are not binding on the special party until the court approves.

FAILURE TO CARRY OUT TERMS OF ACCEPTED OFFER

(13) If a party to an accepted offer does not carry out the terms of the offer, the other party may,

«offre» Offre de règlement amiable sur une ou plusieurs des demandes dans une cause, une motion, un appel ou une procédure d'exécution. S'entend en outre d'une contre-offre.

APPLICATION

(2) La présente règle s'applique à une offre présentée en tout temps, même avant l'introduction de la cause.

PRÉSENTATION D'UNE OFFRE

(3) Une partie peut signifier une offre à toute autre partie.

SIGNATURE DE L'OFFRE PAR LA PARTIE ET SON AVOCAT

(4) L'offre est signée personnellement par la partie qui la présente et par son avocat, si elle en a un.

RETRAIT D'UNE OFFRE

(5) La partie qui a présenté une offre peut la retirer en signifiant un avis de retrait avant son acceptation.

DURÉE DE L'OFFRE

(6) L'offre qui n'est pas acceptée dans le délai qui y est précisé est considérée comme ayant été retirée.

EXPIRATION DE L'OFFRE LORSQUE LE TRIBUNAL COMMENCE À RENDRE SA DÉCISION

(7) L'offre ne peut être acceptée après que le tribunal a commencé à rendre une décision sur la demande qui en fait l'objet.

CARACTÈRE CONFIDENTIEL DE L'OFFRE

(8) Les conditions de l'offre :

a) d'une part, ne doivent pas être mentionnées dans les documents déposés dans le dossier continu;

b) d'autre part, ne doivent pas être mentionnées au juge qui entend la demande qui en fait l'objet tant qu'il n'a pas traité toutes les questions en litige, à l'exception des dépens.

ACCEPTATION DE L'OFFRE

(9) La seule façon valide d'accepter une offre est de signifier une acceptation à la partie qui l'a présentée avant que, selon le cas :

a) l'offre ne soit retirée;

b) le tribunal n'ait commencé à rendre une décision sur une demande qui fait l'objet de l'offre.

OFFRE VALIDE MALGRÉ LE REJET OU UNE CONTRE-OFFRE

(10) Une partie peut accepter une offre conformément au paragraphe (9) même si elle l'a rejetée antérieurement ou a présenté une contre-offre.

DÉPENS NON PRÉVUS DANS L'OFFRE

(11) Si une offre acceptée ne traite pas des dépens, l'une ou l'autre partie a le droit de demander au tribunal de les lui accorder.

APPROBATION PAR LE TRIBUNAL D'UNE OFFRE QUI CONCERNE UNE PARTIE SPÉCIALE

(12) Une partie spéciale peut présenter, retirer et accepter une offre, mais l'acceptation d'une offre d'une partie spéciale par une autre partie et l'acceptation d'une offre d'une autre partie par une partie spéciale ne lient pas la partie spéciale tant que le tribunal ne l'a pas approuvée.

INOBSERVATION DES CONDITIONS D'UNE OFFRE ACCEPTÉE

(13) Si une partie à une offre acceptée n'en observe pas les conditions, l'autre partie peut :

- (a) make a motion to turn the parts of the offer within the court's jurisdiction into an order; or
- (b) continue the case as if the offer had never been accepted.

COSTS CONSEQUENCES OF FAILURE TO ACCEPT OFFER

(14) A party who makes an offer is, unless the court orders otherwise, entitled to costs to the date the offer was served and full recovery of costs from that date, if the following conditions are met:

1. If the offer relates to a motion, it is made at least one day before the motion date.
2. If the offer relates to a trial or the hearing of a step other than a motion, it is made at least seven days before the trial or hearing date.
3. The offer does not expire and is not withdrawn before the hearing starts.
4. The offer is not accepted.
5. The party who made the offer obtains an order that is as favourable as or more favourable than the offer.

COSTS CONSEQUENCES—BURDEN OF PROOF

(15) The burden of proving that the order is as favourable as or more favourable than the offer to settle is on the party who claims the benefit of subrule (14).

COSTS—DISCRETION OF COURT

(16) When the court exercises its discretion over costs, it may take into account any written offer to settle, the date it was made and its terms, even if subrule (14) does not apply.

RULE 19: DOCUMENT DISCLOSURE

AFFIDAVIT LISTING DOCUMENTS

19. (1) Every party shall, within 10 days after another party's request, give the other party an affidavit listing every document that is,

- (a) relevant to any issue in the case; and
- (b) in the party's control, or available to the party on request.

ACCESS TO LISTED DOCUMENTS

- (2) The other party is entitled, on request,
 - (a) to examine any document listed in the affidavit, unless it is protected by a legal privilege; and
 - (b) to receive, at the party's own expense at the legal aid rate, a copy of any document that the party is entitled to examine under clause (a).

ACCESS TO DOCUMENTS MENTIONED IN COURT PAPERS

(3) Subrule (2) also applies, with necessary changes, to a document mentioned in a party's application, answer, reply, notice of motion, affidavit, financial statement or net family property statement.

DOCUMENTS PROTECTED BY LEGAL PRIVILEGE

(4) If a party claims that a document is protected by a legal privilege, the court may, on motion, examine it and decide the issue.

- a) soit présenter une motion visant à faire transformer en ordonnance les parties de l'offre qui relèvent de la compétence du tribunal;
- b) soit poursuivre la cause comme si l'offre n'avait jamais été acceptée.

DÉPENS EN CAS DE NON-ACCEPTATION DE L'OFFRE

(14) La partie qui présente une offre a droit, sauf ordonnance contraire du tribunal, aux dépens à la date de la signification de l'offre et au recouvrement intégral des dépens à compter de cette date si les conditions suivantes sont remplies :

1. Si l'offre se rapporte à une motion, elle est présentée au moins un jour avant la date d'audition de celle-ci.
2. Si l'offre se rapporte à un procès ou à l'audition d'une étape autre qu'une motion, elle est présentée au moins sept jours avant la date du procès ou de l'audience.
3. L'offre n'expire pas et n'est pas retirée avant le début de l'audience.
4. L'offre n'est pas acceptée.
5. La partie qui a présenté l'offre obtient une ordonnance qui est aussi favorable que l'offre ou plus favorable qu'elle.

DÉPENS — FARDEAU DE LA PREUVE

(15) Le fardeau de prouver que l'ordonnance est aussi favorable que l'offre de règlement amiable ou plus favorable qu'elle incombe à la partie qui invoque le paragraphe (14).

DÉPENS — POUVOIR DISCRÉTIONNAIRE DU TRIBUNAL

(16) Lorsqu'il exerce son pouvoir discrétionnaire d'adjudication des dépens, le tribunal peut prendre en considération toute offre écrite de règlement amiable, la date à laquelle elle a été présentée et ses conditions, même si le paragraphe (14) ne s'applique pas.

RÈGLE 19 : DIVULGATION DE DOCUMENTS

AFFIDAVIT ÉNUMÉRANT LES DOCUMENTS

19. (1) Au plus tard 10 jours après que l'autre partie le lui demande, la partie lui remet un affidavit énumérant tous les documents :

- a) qui se rapportent à une question en litige dans la cause;
- b) qui sont sous le contrôle de la partie ou à sa disposition sur demande.

ACCÈS AUX DOCUMENTS ÉNUMÉRÉS DANS L'AFFIDAVIT

- (2) L'autre partie a le droit, sur demande :
 - a) d'une part, d'examiner tout document figurant dans l'affidavit, sauf s'il est protégé par un privilège juridique;
 - b) d'autre part, de recevoir à ses frais, au tarif de l'aide juridique, une copie de tout document qu'elle a le droit d'examiner en vertu de l'alinéa a).

DOCUMENTS MENTIONNÉS DANS LES DOSSIERS DU TRIBUNAL

(3) Le paragraphe (2) s'applique également, avec les adaptations nécessaires, aux documents mentionnés dans une requête, une défense, une réponse, un avis de motion, un affidavit, un état financier ou un état des biens familiaux nets d'une partie.

DOCUMENTS PROTÉGÉS PAR UN PRIVILÈGE JURIDIQUE

(4) Si une partie prétend qu'un document est protégé par un privilège juridique, le tribunal peut, sur motion, l'examiner et décider de la question.

USE OF PRIVILEGED DOCUMENTS

(5) A party who claims that a document is protected by a legal privilege may use it at trial only,

- (a) if the other party has been allowed to examine the document and been supplied with a copy, free of charge, at least 30 days before the settlement conference; or
- (b) on the conditions the trial judge considers appropriate, including an adjournment if necessary.

DOCUMENTS OF SUBSIDIARY OR AFFILIATED CORPORATION

(6) The court may, on motion, order a party to give another party an affidavit listing the documents that are,

- (a) relevant to any issue in the case; and
- (b) in the control of, or available on request to a corporation that is controlled, directly or indirectly, by the party or by another corporation that the party controls directly or indirectly.

ACCESS TO LISTED DOCUMENTS

(7) Subrule (2) also applies, with necessary changes, to any document listed in an affidavit ordered under subrule (6).

DOCUMENTS OMITTED FROM AFFIDAVIT OR FOUND LATER

(8) A party who, after serving an affidavit required under subrule (1) or (6), finds a document that should have been listed in it, or finds that the list is not correct or not complete, shall immediately serve on the other party a new affidavit listing the correct information.

ACCESS TO ADDITIONAL DOCUMENTS

- (9) The other party is entitled, on request,
- (a) to examine any document listed in an affidavit served under subrule (8), unless it is protected by a legal privilege; and
- (b) to receive, free of charge, a copy of any document that the party is entitled to examine under clause (a).

FAILURE TO FOLLOW RULE OR OBEY ORDER

(10) If a party does not follow this rule or obey an order made under this rule, the court may, on motion, do one or more of the following:

1. Order the party to give another party an affidavit, let the other party examine a document or supply the other party with a copy free of charge.
2. Order that a document favourable to the party's case may not be used except with the court's permission.
3. Order that the party is not entitled to obtain disclosure under these rules until the party follows the rule or obeys the order.
4. Dismiss the party's case or strike out the party's answer.
5. Order the party to pay the other party's costs for the steps taken under this rule, and decide the amount of the costs.
6. Make a contempt order against the party.

UTILISATION DE DOCUMENTS PROTÉGÉS

(5) La partie qui prétend qu'un document est protégé par un privilège juridique ne peut l'utiliser au procès que dans l'un ou l'autre des cas suivants :

- a) l'autre partie a été autorisée à l'examiner et une copie lui a été fournie gratuitement au moins 30 jours avant la conférence en vue d'un règlement amiable;
- b) la partie respecte les conditions que le juge du procès estime appropriées, y compris un ajournement s'il y a lieu.

DOCUMENTS DE FILIALES OU DE SOCIÉTÉS APPARTENANT AU MÊME GROUPE

(6) Le tribunal peut, sur motion, ordonner à une partie de remettre à une autre partie un affidavit énumérant les documents :

- a) qui se rapportent à toute question en litige dans la cause;
- b) qui sont sous le contrôle d'une société contrôlée, directement ou indirectement, par la partie ou par une autre société que la partie contrôle directement ou indirectement, ou qui sont à la disposition, sur demande, d'une telle société.

ACCÈS AUX DOCUMENTS ÉNUMÉRÉS DANS L'AFFIDAVIT

(7) Le paragraphe (2) s'applique également, avec les adaptations nécessaires, à tout document figurant dans un affidavit dont la remise est ordonnée en vertu du paragraphe (6).

DOCUMENTS NON MENTIONNÉS DANS L'AFFIDAVIT OU TROUVÉS PLUS TARD

(8) La partie qui, après avoir signifié l'affidavit exigé aux termes du paragraphe (1) ou (6), trouve un document qui aurait dû figurer dans l'affidavit ou constate que la liste de documents est inexacte ou incomplète signifie immédiatement à l'autre partie un nouvel affidavit qui comprend les renseignements exacts.

ACCÈS À D'AUTRES DOCUMENTS

- (9) L'autre partie a le droit, sur demande :
- a) d'une part, d'examiner tout document figurant dans un affidavit signifié aux termes du paragraphe (8), à moins qu'il ne soit protégé par un privilège juridique;
- b) d'autre part, de recevoir gratuitement une copie de tout document que la partie a le droit d'examiner en vertu de l'alinéa a).

INOBSERVATION DE LA PRÉSENTE RÈGLE OU D'UNE ORDONNANCE

(10) Si une partie n'observe pas la présente règle ou une ordonnance rendue en vertu de celle-ci, le tribunal peut, sur motion, prendre une ou plusieurs des mesures suivantes :

1. Ordonner à la partie de remettre l'affidavit à une autre partie, de lui permettre d'examiner un document ou de lui en fournir une copie gratuitement.
2. Ordonner qu'un document favorable à la cause de la partie ne puisse être utilisé qu'avec la permission du tribunal.
3. Ordonner que la partie n'ait pas droit à la divulgation prévue par les présentes règles tant qu'elle n'observe pas la règle ou l'ordonnance.
4. Rejeter la cause de la partie ou radier sa défense.
5. Ordonner à la partie de payer les dépens de l'autre partie pour les démarches entreprises aux termes de la présente règle et en fixer le montant.
6. Rendre une ordonnance pour outrage contre la partie.

7. Make any other order that is appropriate.

DOCUMENT IN NON-PARTY'S CONTROL

(11) If a document is in a non-party's control, or is available only to the non-party, and is not protected by a legal privilege, and it would be unfair to a party to go on with the case without the document, the court may, on motion with notice served on every party and served on the non-party by special service,

- (a) order the non-party to let the party examine the document and to supply the party with a copy at the legal aid rate; and
- (b) order that a copy be prepared and used for all purposes of the case instead of the original.

RULE 20: QUESTIONING A WITNESS AND DISCLOSURE

QUESTIONING—PROCEDURE

20. (1) Questioning under this rule shall take place orally under oath or affirmation.

CROSS-EXAMINATION

(2) The right to question a person includes the right to cross-examine.

CHILD PROTECTION CASE—AVAILABLE AS OF RIGHT

(3) In a child protection case, a party is entitled to obtain information from another party about any issue in the case,

- (a) by questioning the other party, in which case the party shall serve the other party with a summons to witness (Form 23) by a method of special service set out in clause 6 (3) (a); or
- (b) by affidavit or by another method, in which case the party shall serve the other party with a request for information (Form 20).

OTHER CASES—CONSENT OR ORDER

(4) In a case other than a child protection case, a party is entitled to obtain information from another party about any issue in the case,

- (a) with the other party's consent; or
- (b) by an order under subrule (5).

ORDER FOR QUESTIONING OR DISCLOSURE

(5) The court may, on motion, order that a person (whether a party or not) be questioned by a party or disclose information by affidavit or by another method about any issue in the case, if the following conditions are met:

- 1. It would be unfair to the party who wants the questioning or disclosure to carry on with the case without it.
- 2. The information is not easily available by any other method.
- 3. The questioning or disclosure will not cause unacceptable delay or undue expense.

QUESTIONING SPECIAL PARTY

(6) If a person to be questioned is a special party, the court may, on motion, order that someone else be questioned in addition to or in place of the person.

7. Rendre toute autre ordonnance appropriée.

DOCUMENTS QUI SONT SOUS LE CONTRÔLE D'UNE AUTRE PERSONNE

(11) Si un document est sous le contrôle d'une personne qui n'est pas une partie ou est uniquement à la disposition de cette personne, qu'il n'est pas protégé par un privilège juridique et qu'il serait injuste pour une partie de poursuivre la cause sans l'avoir, le tribunal peut, sur motion présentée avec préavis signifié à chaque partie et signifié à la personne par voie de signification spéciale :

- a) ordonner à la personne de permettre à la partie d'examiner le document et de lui en fournir une copie au tarif de l'aide juridique;
- b) ordonner qu'une copie du document soit préparée et utilisée à toutes fins dans la cause au lieu de l'original.

RÈGLE 20 : INTERROGATION D'UN TÉMOIN ET DIVULGATION

INTERROGATOIRE — PROCÉDURE

20. (1) L'interrogatoire effectué aux termes de la présente règle se fait oralement sous serment ou affirmation solennelle.

CONTRE-INTERROGATOIRE

(2) Le droit d'interroger une personne comprend le droit de la contre-interroger.

CAUSE PORTANT SUR LA PROTECTION D'UN ENFANT — ACCÈS DE PLEIN DROIT AUX RENSEIGNEMENTS

(3) Dans une cause portant sur la protection d'un enfant, une partie a le droit d'obtenir d'une autre partie des renseignements au sujet de toute question en litige dans la cause :

- a) soit en interrogeant l'autre partie, auquel cas la partie signifie à celle-ci une assignation de témoin (formule 23) par un mode de signification spéciale précisé à l'alinéa 6 (3) a);
- b) soit par affidavit ou un autre moyen, auquel cas la partie signifie à l'autre partie une demande de renseignements (formule 20).

AUTRES CAUSES — CONSENTEMENT OU ORDONNANCE

(4) Dans une cause autre qu'une cause portant sur la protection d'un enfant, une partie a le droit d'obtenir d'une autre partie des renseignements au sujet de toute question en litige dans la cause :

- a) soit avec le consentement de l'autre partie;
- b) soit en vertu d'une ordonnance rendue en vertu du paragraphe (5).

ORDONNANCE D'INTERROGATOIRE OU DE DIVULGATION

(5) Le tribunal peut, sur motion, ordonner qu'une personne (qu'elle soit ou non une partie) soit interrogée par une partie ou divulgue des renseignements par affidavit ou un autre moyen au sujet d'une question en litige dans la cause si les conditions suivantes sont remplies :

- 1. Il serait injuste pour la partie de poursuivre la cause sans que l'interrogatoire ou la divulgation qu'elle demande ait lieu.
- 2. Il est difficile d'obtenir les renseignements par un autre moyen.
- 3. L'interrogatoire ou la divulgation n'entraînera pas de retard inacceptable ni des frais excessifs.

INTERROGATION D'UNE PARTIE SPÉCIALE

(6) Si une personne à interroger est une partie spéciale, le tribunal peut, sur motion, ordonner que quelqu'un d'autre soit également interrogé ou soit interrogé à sa place.

QUESTIONING ABOUT AFFIDAVIT OR NET FAMILY PROPERTY STATEMENT

(7) The court may make an order under subrule (5) that a person be questioned or disclose details about information in an affidavit or net family property statement.

QUESTIONING OR DISCLOSURE—PRECONDITIONS

(8) A party who wants to question a person or obtain information by affidavit or by another method may do so only if the party,

- (a) has served and filed any answer, financial statement or net family property statement that these rules require; and
- (b) promises in writing not to serve or file any further material for the next step in the case, except in reply to the answers or information obtained.

NOTICE AND SUMMONS TO NON-PARTY

(9) The court may make an order under this rule affecting a non-party only if the non-party has been served with the notice of motion, a summons to witness (Form 23) and the witness fee required by subrule 23 (4), all by special service (subrule 6 (3)).

PENALTY FOR FAILURE TO OBEY SUMMONS

(10) Subrule 23 (7) (failure to obey summons to witness) applies, with necessary changes, if a person summoned under subrule (9) fails to obey the summons.

PLACE OF QUESTIONING

(11) The questioning shall take place in the municipality in which the person to be questioned lives, unless that person and the party who wants to do the questioning agree to hold it in another municipality.

OTHER ARRANGEMENTS FOR QUESTIONING

(12) If the person to be questioned and the party who wants to do the questioning do not agree on one or more of the following matters, the court shall, on motion, make an order to decide the matter:

- 1. The date and time for the questioning.
- 2. The person responsible for recording the questioning.
- 3. The method for recording the questioning.
- 4. Payment of the expenses of the person to be questioned, if a non-party.

NOTICE TO PARTIES

(13) The parties shall, not later than three days before the questioning, be served with notice of the name of the person to be questioned and the address, date and time of the questioning.

QUESTIONING PERSON OUTSIDE ONTARIO

(14) If a person to be questioned lives outside Ontario and will not come to Ontario for questioning, the court may decide,

- (a) the date, time and place for the questioning;
- (b) how much notice the person should be given;
- (c) the person before whom the questioning will be held;
- (d) the amount of the witness fee to be paid to the person to be questioned;

INTERROGATOIRE AU SUJET D'UN AFFIDAVIT OU D'UN ÉTAT DES BIENS FAMILIAUX NETS

(7) Le tribunal peut rendre une ordonnance en vertu du paragraphe (5) exigeant qu'une personne soit interrogée au sujet des renseignements qui figurent dans un affidavit ou dans un état des biens familiaux nets ou qu'elle divulgue des précisions à leur égard.

INTERROGATOIRE OU DIVULGATION — CONDITIONS PRÉALABLES

(8) La partie qui veut interroger une personne ou obtenir des renseignements par affidavit ou un autre moyen ne peut le faire que si :

- a) d'une part, elle a signifié et déposé la défense, l'état financier ou l'état des biens familiaux nets qu'exigent les présentes règles;
- b) d'autre part, elle promet par écrit de ne pas signifier ni déposer d'autres documents pour la prochaine étape de la cause, sauf en réponse aux défenses ou aux renseignements obtenus.

AVIS ET ASSIGNATION DE TÉMOIN AUX PERSONNES QUI NE SONT PAS DES PARTIES

(9) Le tribunal ne peut rendre, en vertu de la présente règle, une ordonnance visant une personne qui n'est pas une partie que si celle-ci a reçu signification, par voie de signification spéciale (paragraphe 6 (3)), de l'avis de motion, d'une assignation de témoin (formule 23) et de l'indemnité de témoin exigée par le paragraphe 23 (4).

PÉNALITÉ EN CAS D'INOBSERVATION DE L'ASSIGNATION

(10) Le paragraphe 23 (7) (inobservation d'une assignation de témoin) s'applique, avec les adaptations nécessaires, si une personne assignée à comparaître en vertu du paragraphe (9) n'observe pas l'assignation.

LIEU DE L'INTERROGATOIRE

(11) L'interrogatoire a lieu dans la municipalité où habite la personne à interroger, à moins que celle-ci et la partie qui veut l'interroger ne s'entendent pour qu'il ait lieu dans une autre municipalité.

AUTRES DISPOSITIONS POUR L'INTERROGATOIRE

(12) Si la personne à interroger et la partie qui veut l'interroger ne s'entendent pas sur une ou plusieurs des questions suivantes, le tribunal rend, sur motion, une ordonnance décidant de la question :

- 1. Les date et heure de l'interrogatoire.
- 2. La personne chargée d'enregistrer l'interrogatoire.
- 3. Le mode d'enregistrement de l'interrogatoire.
- 4. Le paiement des frais de la personne à interroger qui n'est pas une partie.

AVIS AUX PARTIES

(13) Au plus tard trois jours avant l'interrogatoire, un avis donnant le nom de la personne à interroger ainsi que l'adresse du lieu de l'interrogatoire et les date et heure de celui-ci est signifié aux parties.

INTERROGATION D'UNE PERSONNE DE L'EXTÉRIEUR DE L'ONTARIO

(14) Si une personne à interroger habite à l'extérieur de l'Ontario et refuse de se rendre en Ontario pour l'interrogatoire, le tribunal peut décider ce qui suit :

- a) les date, heure et lieu de l'interrogatoire;
- b) le délai de préavis à donner à la personne;
- c) la personne devant laquelle l'interrogatoire aura lieu;
- d) le montant de l'indemnité de témoin à verser à la personne à interroger;

- (e) the method for recording the questioning;
- (f) where necessary, that the clerk shall issue,
 - (i) an authorization to a commissioner (Form 20A) who is to supervise the questioning outside Ontario, and
 - (ii) a letter of request (Form 20B) to the appropriate court or authorities outside Ontario, asking for their assistance in getting the person to be questioned to come before the commissioner; and
- (g) any other related matter.

COMMISSIONER'S DUTIES

- (15) A commissioner authorized under subrule (14) shall,
 - (a) supervise the questioning according to the terms of the court's authorization, these rules and Ontario's law of evidence, unless the law of the place where the questioning is to be held requires some other manner of questioning;
 - (b) make and keep a copy of the record of the questioning and, if possible, of the exhibits, if any;
 - (c) deliver the original record, any exhibits and the authorization to the clerk who issued it; and
 - (d) notify the party who asked for the questioning that the record has been delivered to the clerk.

ORDER TO BRING DOCUMENTS OR THINGS

(16) An order for questioning and a summons to witness may also require the person to bring any document or thing that is,

- (a) relevant to any issue in the case; and
- (b) in the person's control or available to the person on request.

OTHER RULES APPLY

(17) Subrules 19 (2), (4) and (5) (right to examine document and obtain copy, documents protected by legal privilege, use of privileged documents) apply, with necessary changes, to the documents mentioned in the order.

SCOPE OF QUESTIONS

- (18) A person to be questioned may be asked about,
 - (a) the names of persons who might reasonably be expected to know about the claims in the case and, with the court's permission, their addresses;
 - (b) the names of the witnesses whom a party intends to call at trial and, with the court's permission, their addresses;
 - (c) the names, addresses, findings, conclusions and opinions of expert witnesses whom a party intends to call or on whose reports the party intends to rely at trial;
 - (d) if it is relevant to the case, the existence and details of any insurance policy under which the insurance company may be required to pay all or part of an order for the payment of money in the case or to pay back to a party money that the party has paid under an order; and

- e) le mode d'enregistrement de l'interrogatoire;
- f) au besoin, la délivrance par le greffier de ce qui suit :
 - (i) l'autorisation du commissaire (formule 20A) qui doit superviser l'interrogatoire à l'extérieur de l'Ontario,
 - (ii) une lettre de demande (formule 20B) adressée au tribunal compétent ou à l'instance compétente de l'extérieur de l'Ontario, sollicitant son aide pour que la personne à interroger se présente devant le commissaire;
- g) toute question connexe.

FONCTIONS DU COMMISSAIRE

(15) Le commissaire qui reçoit l'autorisation prévue au paragraphe (14) fait ce qui suit :

- a) il supervise l'interrogatoire conformément aux conditions de l'autorisation que lui a donnée le tribunal, aux présentes règles et au droit de la preuve de l'Ontario, à moins que le droit de la compétence territoriale où l'interrogatoire doit avoir lieu n'exige une autre forme d'interrogatoire;
- b) il fait et conserve une copie de l'enregistrement de l'interrogatoire et, si possible, des pièces, s'il y en a;
- c) il remet l'original de l'enregistrement, les pièces et l'autorisation au greffier qui a délivré celle-ci;
- d) il avise la partie qui a demandé l'interrogatoire que l'enregistrement a été remis au greffier.

ORDONNANCE EXIGEANT D'APPORTER DES DOCUMENTS OU DES CHOSE

(16) Une ordonnance d'interrogatoire et une assignation de témoin peut également exiger que la personne apporte tout document ou toute chose :

- a) qui se rapporte à une question en litige dans la cause;
- b) qui est sous son contrôle ou à sa disposition sur demande.

APPLICATION D'AUTRES RÈGLES

(17) Les paragraphes 19 (2), (4) et (5) (droit d'examiner un document et d'en obtenir une copie, documents protégés par un privilège juridique, utilisation de documents protégés) s'appliquent, avec les adaptations nécessaires, aux documents mentionnés dans l'ordonnance.

PORTÉE DE L'INTERROGATOIRE

(18) Des questions peuvent être posées sur ce qui suit à la personne à interroger :

- a) le nom des personnes dont on pourrait raisonnablement s'attendre à ce qu'elles aient connaissance des demandes dans la cause et, avec la permission du tribunal, leur adresse;
- b) le nom des témoins qu'une partie a l'intention d'appeler à témoigner au procès et, avec la permission du tribunal, leur adresse;
- c) le nom, l'adresse, les constatations, les conclusions et les opinions des experts qu'une partie a l'intention d'appeler à témoigner au procès ou sur les rapports desquels elle a l'intention de s'appuyer au procès;
- d) si elles se rapportent à la cause, l'existence de toute police d'assurance aux termes de laquelle la compagnie d'assurance peut être tenue de payer tout ou partie de la somme dont le paiement est exigée par une ordonnance rendue dans la cause ou de rembourser à une partie les sommes que celle-ci a versées aux termes d'une ordonnance, ainsi que des précisions sur cette police;

- (e) any other matter in dispute in the case.

REFUSAL TO ANSWER QUESTION

- (19) If a person being questioned refuses to answer a question,

- (a) the court may, on motion,
 - (i) decide whether the question is proper,
 - (ii) give directions for the person's return to the questioning, and
 - (iii) make a contempt order against the person; and
- (b) if the person is a party or is questioned on behalf or in place of a party, the party shall not use the information that was refused as evidence in the case, unless the court gives permission under subrule (20).

COURT'S PERMISSION

(20) The court shall give permission unless the use of the information would cause harm to another party or an unacceptable delay in the trial, and may impose any appropriate conditions on the permission, including an adjournment if necessary.

DUTY TO CORRECT OR UPDATE ANSWERS

(21) A person who has been questioned or who has provided information in writing by affidavit or by another method and who finds that an answer or information given was incorrect or incomplete, or is no longer correct or complete, shall immediately provide the correct and complete information in writing to all parties.

LAWYER ANSWERING

(22) If there is no objection, questions may be answered by the lawyer for a person being questioned, and the answer shall be taken as the person's own answer unless the person corrects or changes it before the questioning ends.

METHOD FOR RECORDING QUESTIONING

(23) All the questions and answers at a questioning shall be recorded electronically or manually.

OBLIGATION TO KEEP INFORMATION CONFIDENTIAL

(24) When a party obtains evidence under this rule, rule 13 (financial statements) or rule 19 (document disclosure), the party and the party's lawyer may use the evidence and any information obtained from it only for the purposes of the case in which the evidence was obtained, subject to the exceptions in subrule (25).

USE OF INFORMATION PERMITTED

(25) Evidence and any information obtained from it may be used for other purposes,

- (a) if the person who gave the evidence consents;
- (b) if the evidence is filed with the court, given at a hearing or referred to at a hearing;
- (c) to impeach the testimony of a witness in another case; or
- (d) in a later case between the same parties or their successors, if the case in which the evidence was obtained was withdrawn or dismissed.

- e) toute autre question en litige dans la cause.

REFUS DE RÉPONDRE À UNE QUESTION

(19) Si la personne qui est interrogée refuse de répondre à une question :

- a) le tribunal peut, sur motion :
 - (i) décider si la question est légitime,
 - (ii) donner des directives pour que la personne se présente à un autre interrogatoire,
 - (iii) rendre une ordonnance pour outrage contre la personne;
- b) si la personne est une partie ou qu'elle est interrogée au nom ou à la place d'une partie, la partie ne doit pas utiliser comme preuves dans la cause les renseignements qui ont été refusés, sauf si le tribunal accorde sa permission aux termes du paragraphe (20).

PERMISSION DU TRIBUNAL

(20) Le tribunal accorde sa permission, sauf si l'utilisation des renseignements causerait un préjudice à une autre partie ou retarderait le procès de façon inacceptable, et il peut assortir cette permission des conditions appropriées, y compris un ajournement s'il y a lieu.

OBLIGATION DE CORRIGER OU DE COMPLÉTER LES RÉPONSES

(21) La personne qui a été interrogée ou qui a fourni des renseignements par affidavit ou un autre moyen et qui constate qu'une réponse donnée ou un renseignement fourni était ou est maintenant inexact ou incomplet fournit immédiatement par écrit les renseignements exacts et complets à toutes les parties.

RÉPONSE DE L'AVOCAT

(22) S'il n'y a pas d'opposition, l'avocat de la personne qui est interrogée peut répondre aux questions, auquel cas la réponse est considérée comme celle de la personne, sauf si elle la corrige ou la modifie avant la fin de l'interrogatoire.

MODE D'ENREGISTREMENT DE L'INTERROGATOIRE

(23) Toutes les questions et les réponses lors d'un interrogatoire sont enregistrées électroniquement ou manuellement.

OBLIGATION DE PRÉSERVER LE CARACTÈRE CONFIDENTIEL DES RENSEIGNEMENTS

(24) Une partie et son avocat ne peuvent utiliser les preuves que la partie obtient en vertu de la présente règle, de la règle 13 (états financiers) ou de la règle 19 (divulcation de documents) et les renseignements tirés de ces preuves qu'aux fins de la cause dans laquelle elle les a obtenues, sous réserve des exceptions prévues au paragraphe (25).

UTILISATION PERMISE DES RENSEIGNEMENTS

(25) Les preuves et les renseignements tirés de celles-ci peuvent être utilisés à d'autres fins :

- a) si la personne qui a présenté les preuves y consent;
- b) si les preuves sont déposées auprès du tribunal ou présentées ou mentionnées à une audience;
- c) afin d'attaquer la crédibilité d'un témoin dans une autre cause;
- d) dans une cause subséquente qui oppose les mêmes parties ou leurs ayants droit, si la cause dans laquelle les preuves ont été obtenues a été retirée ou rejetée.

COURT MAY LIFT OBLIGATION OF CONFIDENTIALITY

(26) The court may, on motion, give a party permission to disclose evidence or information obtained from it if the interests of justice outweigh any harm that would result to the party who provided the evidence.

RULE 21: REPORT OF CHILDREN'S LAWYER**REPORT OF CHILDREN'S LAWYER**

21. When the Children's Lawyer investigates and reports on custody of or access to a child under section 112 of the *Courts of Justice Act*,

- (a) the Children's Lawyer shall first serve notice on the parties and file it;
- (b) the parties shall, from the time they are served with the notice, serve the Children's Lawyer with every document in the case that involves the child's custody, access, support, health or education, as if the Children's Lawyer were a party in the case;
- (c) the Children's Lawyer has the same rights as a party to document disclosure (rule 19) and questioning witnesses (rule 20) about any matter involving the child's custody, access, support, health or education;
- (d) within 90 days after serving the notice under clause (a), the Children's Lawyer shall serve a report on the parties and file it;
- (e) within 30 days after being served with the report, a party may serve and file a statement disputing anything in it; and
- (f) the trial shall not be held and the court shall not make a final order in the case until the 30 days referred to in clause (e) expire or the parties file a statement giving up their right to that time.

RULE 22: ADMISSION OF FACTS**MEANING OF ADMISSION THAT DOCUMENT GENUINE**

22. (1) An admission that a document is genuine is an admission,
- (a) if the document is said to be an original, that it was written, signed or sealed as it appears to have been;
 - (b) if it is said to be a copy, that it is a complete and accurate copy; and
 - (c) if it is said to be a copy of a document that is ordinarily sent from one person to another (for example, a letter, fax or electronic message), that it was sent as it appears to have been sent and was received by the person to whom it is addressed.

REQUEST TO ADMIT

(2) At any time, by serving a request to admit (Form 22) on another party, a party may ask the other party to admit, for purposes of the case only, that a fact is true or that a document is genuine.

COPY OF DOCUMENT TO BE ATTACHED

(3) A copy of any document mentioned in the request to admit shall be attached to it, unless the other party already has a copy or it is impractical to attach a copy.

FIN DE L'OBLIGATION DE PRÉSERVER LE CARACTÈRE CONFIDENTIEL DES RENSEIGNEMENTS

(26) Le tribunal peut, sur motion, accorder à une partie la permission de divulguer des preuves ou des renseignements tirés de celles-ci si l'intérêt de la justice l'emporte sur tout préjudice qui serait causé à la partie qui a présenté les preuves.

RÈGLE 21 : RAPPORT DE L'AVOCAT DES ENFANTS**RAPPORT DE L'AVOCAT DES ENFANTS**

21. Lorsque l'avocat des enfants enquête et fait un rapport sur la garde d'un enfant ou le droit de visite à un enfant en vertu de l'article 112 de la *Loi sur les tribunaux judiciaires* :

- a) il signifie d'abord un avis aux parties et le dépose;
- b) les parties lui signifient, à partir du moment où elles reçoivent signification de l'avis, tous les documents dans la cause qui se rapportent à la garde de l'enfant, au droit de visite à son égard, aux aliments à son intention, à sa santé ou à ses études, comme si l'avocat des enfants était partie à la cause;
- c) il a les mêmes droits qu'une partie à la divulgation de documents (règle 19) et à l'interrogation de témoins (règle 20) au sujet de toute question mettant en cause la garde de l'enfant, le droit de visite à son égard, les aliments à son intention, sa santé ou ses études;
- d) au plus tard 90 jours après avoir signifié l'avis prévu à l'alinéa a), il signifie un rapport aux parties et le dépose;
- e) au plus tard 30 jours après avoir reçu signification du rapport, une partie peut signifier et déposer une déclaration en contestant n'importe quel élément;
- f) le procès ne doit pas avoir lieu et le tribunal ne doit pas rendre d'ordonnance définitive dans la cause tant que le délai de 30 jours mentionné à l'alinéa e) n'est pas expiré ou que les parties n'ont pas déposé une déclaration dans laquelle elles renoncent à leur droit à ce délai.

RÈGLE 22 : ADMISSION DE FAITS**SIGNIFICATION DE L'ADMISSION DE L'AUTHENTICITÉ D'UN DOCUMENT**

22. (1) L'admission de l'authenticité d'un document consiste à admettre :

- a) que le document a été rédigé, signé ou scellé comme il paraît l'avoir été, s'il est présenté comme étant un original;
- b) qu'il est une copie complète et exacte, s'il est présenté comme étant une copie;
- c) qu'il a été envoyé comme il paraît l'avoir été et reçu par la personne à qui il est adressé, s'il est présenté comme étant une copie d'un document qui est ordinairement envoyé d'une personne à une autre (par exemple, une lettre, une télécopie ou un message électronique).

DEMANDE D'ADMISSION

(2) Une partie peut, en lui signifiant une demande d'admission (formule 22), demander à l'autre partie d'admettre, aux fins de la cause seulement, qu'un fait est véridique ou un document authentique.

COPIE D'UN DOCUMENT À JOINDRE

(3) Une copie d'un document mentionné dans la demande d'admission est jointe à celle-ci, à moins que l'autre partie n'en ait déjà une copie ou qu'il ne soit pas pratique d'en joindre une.

RESPONSE REQUIRED WITHIN 20 DAYS

(4) The party on whom the request to admit is served is considered to have admitted, for purposes of the case only, that the fact is true or that the document is genuine, unless the party serves a response (Form 22A) within 20 days,

- (a) denying that a particular fact mentioned in the request is true or that a particular document mentioned in the request is genuine; or
- (b) refusing to admit that a particular fact mentioned in the request is true or that a particular document mentioned in the request is genuine, and giving the reasons for each refusal.

WITHDRAWING ADMISSION

(5) An admission that a fact is true or that a document is genuine (whether contained in a document served in the case or resulting from subrule (4)), may be withdrawn only with the other party's consent or with the court's permission.

RULE 23: EVIDENCE AND TRIAL**TRIAL RECORD**

23. (1) At least 14 days before the start of the trial, the applicant shall serve and file a trial record containing a table of contents and the following documents:

- 1. The application, answer and reply, if any.
- 2. Any agreed statement of facts.
- 3. If relevant to an issue at trial, financial statements and net family property statements by all parties, completed not more than 30 days before the record is served.
- 4. Any assessment report ordered by the court or obtained by consent of the parties.
- 5. Any temporary order relating to a matter still in dispute.
- 6. Any order relating to the trial.
- 7. Any transcript on which the party intends to rely at trial.
- 8. Any expert report on which the party intends to rely at trial.

RESPONDENT MAY ADD TO TRIAL RECORD

(2) Not later than seven days before the start of the trial, a respondent may serve, file and add to the trial record any document referred to in subrule (1) that is not already in the trial record.

SUMMONS TO WITNESS

(3) A party who wants a witness to give evidence in court or to be questioned and to bring documents or other things shall serve on the witness a summons to witness (Form 23), together with the witness fee set out in subrule (4).

WITNESS FEE

(4) A person summoned as a witness shall be paid, for each day that the person is needed in court or to be questioned,

- (a) \$50 for coming to court or to be questioned;
- (b) travel money in the amount of,

RÉPONSE EXIGÉE DANS LES 20 JOURS

(4) La partie à qui la demande d'admission est signifiée est considérée comme ayant admis, aux fins de la cause seulement, que le fait est véridique ou que le document est authentique, à moins qu'elle ne signifie une réponse (formule 22A) dans les 20 jours :

- a) soit niant qu'un fait particulier mentionné dans la demande est véridique ou qu'un document particulier mentionné dans la demande est authentique;
- b) soit refusant d'admettre qu'un fait particulier mentionné dans la demande est véridique ou qu'un document particulier mentionné dans la demande est authentique, en donnant les raisons dans chaque cas.

RETRAIT DE L'ADMISSION

(5) L'admission de la véracité d'un fait ou de l'authenticité d'un document (soit parce qu'il est compris dans un document signifié dans la cause, soit par suite de l'application du paragraphe (4)) ne peut être retirée qu'avec le consentement de l'autre partie ou la permission du tribunal.

RÈGLE 23 : PREUVES ET PROCÈS**DOSSIER DU PROCÈS**

23. (1) Au moins 14 jours avant le début du procès, le requérant signifie et dépose un dossier de procès qui comprend une table des matières et les documents suivants :

- 1. La requête, la défense et la réponse, le cas échéant.
- 2. Les exposés conjoints des faits.
- 3. S'ils se rapportent à une question en litige dans le procès, les états financiers et les états des biens familiaux nets de toutes les parties, remplis au plus tard 30 jours avant la signification du dossier.
- 4. Les rapports d'évaluation ordonnés par le tribunal ou obtenus sur consentement des parties.
- 5. Les ordonnances temporaires portant sur une question toujours en litige.
- 6. Les ordonnances portant sur le procès.
- 7. Les transcriptions sur lesquelles la partie a l'intention de s'appuyer au procès.
- 8. Les rapports d'experts sur lesquels la partie a l'intention de s'appuyer au procès.

DOCUMENTS QUE L'INTIMÉ PEUT AJOUTER AU DOSSIER DU PROCÈS

(2) Au plus tard sept jours avant le début du procès, un intimé peut signifier et déposer tout document mentionné au paragraphe (1) qui ne se trouve pas déjà dans le dossier du procès et l'y ajouter.

ASSIGNATION DE TÉMOIN

(3) La partie qui veut qu'une personne témoigne devant le tribunal ou qu'elle soit interrogée et apporte des documents ou d'autres choses lui signifie une assignation de témoin (formule 23), accompagnée de l'indemnité de témoin précisée au paragraphe (4).

INDEMNITÉ DE TÉMOIN

(4) La personne qui est assignée comme témoin reçoit, pour chaque jour où elle doit se présenter au tribunal ou être interrogée :

- a) 50 \$ pour se présenter au tribunal ou être interrogée;
- b) une indemnité de déplacement correspondant à l'une ou l'autre des sommes suivantes :

- (i) \$5, if the person lives in the city or town where the person gives evidence,
 - (ii) 30 cents per kilometre each way, if the person lives elsewhere but within 300 kilometres of the court or place of questioning,
 - (iii) the cheapest available air fare plus \$10 a day for airport parking and 30 cents per kilometre each way from the person's home to the airport and from the airport to the court or place of questioning, if the person lives 300 or more kilometres from the court or place of questioning; and
- (c) \$100 per night for meals and overnight stay, if the person does not live in the city or town where the trial is held and needs to stay overnight.

CONTINUING EFFECT OF SUMMONS

- (5) A summons to witness remains in effect until it is no longer necessary to have the witness present.

SUMMONS FOR ORIGINAL DOCUMENT

- (6) If a document can be proved by a certified copy, a party who wants a witness to bring the original shall not serve a summons on the witness for that purpose without the court's permission.

FAILURE TO OBEY SUMMONS

- (7) The court may issue a warrant for arrest (Form 32B) to bring a witness before the court if,

- (a) the witness has been served as subrule (3) requires, but has not obeyed the summons; and
- (b) it is necessary to have the witness present in court or at a questioning.

INTERPROVINCIAL SUMMONS TO WITNESS

- (8) A summons to a witness outside Ontario under the *Interprovincial Summonses Act* shall be in Form 23A.

SETTING ASIDE SUMMONS TO WITNESS

- (9) The court may, on motion, order that a summons to witness be set aside.

ATTENDANCE OF A PRISONER

- (10) If it is necessary to have a prisoner come to court or to be questioned, the court may order (Form 23B) the prisoner's custodian to deliver the prisoner on payment of the fee set out in the regulations under the *Administration of Justice Act*.

CALLING OPPOSING PARTY AS WITNESS

- (11) A party who serves a summons under subrule (3) on an opposing party to come to court may call the opposing party as a witness and may cross-examine the opposing party.

OPPOSING PARTY DISOBEYING SUMMONS

- (12) When an opposing party has been served with a summons under subrule (3), the court may make a final order in favour of the party calling the witness, adjourn the case or make any other appropriate order, including a contempt order, if the opposing party,

- (a) does not come to or remain in court as required by the summons; or

- (i) 5 \$, si la personne habite dans la ville où elle donne son témoignage,
 - (ii) 30 cents le kilomètre aller-retour, si la personne habite ailleurs mais dans un rayon de 300 kilomètres du tribunal ou du lieu de l'interrogatoire,
 - (iii) le tarif aérien le moins cher, plus 10 \$ par jour pour le stationnement à l'aéroport et 30 cents le kilomètre aller-retour entre sa résidence et l'aéroport et entre l'aéroport et le tribunal ou le lieu de l'interrogatoire, si la personne habite à 300 kilomètres ou plus du tribunal ou du lieu de l'interrogatoire;
- c) 100 \$ par nuit pour les repas et l'hébergement, si la personne n'habite pas dans la ville où se tient le procès et doit y passer la nuit.

DURÉE DE VALIDITÉ DE L'ASSIGNATION

- (5) L'assignation de témoin est valide jusqu'à ce que la présence du témoin ne soit plus nécessaire.

ASSIGNATION EN VUE D'OBTENIR L'ORIGINAL D'UN DOCUMENT

- (6) Si l'authenticité d'un document peut être établie au moyen d'une copie certifiée conforme, la partie qui veut qu'un témoin apporte l'original ne doit pas lui signifier d'assignation à cette fin sans la permission du tribunal.

INOBSERVATION D'UNE ASSIGNATION DE TÉMOIN

- (7) Le tribunal peut décerner un mandat d'arrêt (formule 32B) pour amener un témoin devant le tribunal si :

- a) le témoin a reçu la signification qu'exige le paragraphe (3) mais n'a pas observé l'assignation;
- b) la présence du témoin est nécessaire au tribunal ou à un interrogatoire.

ASSIGNATIONS INTERPROVINCIALES DE TÉMOINS

- (8) L'assignation d'un témoin de l'extérieur de l'Ontario prévue par la *Loi sur les assignations interprovinciales de témoins* est rédigée selon la formule 23A.

ANNULATION D'UNE ASSIGNATION DE TÉMOIN

- (9) Le tribunal peut, sur motion, ordonner l'annulation d'une assignation de témoin.

COMPARUTION D'UN DÉTENU

- (10) S'il est nécessaire qu'un détenu se présente au tribunal ou soit interrogé, le tribunal peut ordonner (formule 23B) à son gardien de l'amener, après paiement des droits fixés dans les règlements pris en application de la *Loi sur l'administration de la justice*.

ASSIGNATION DE LA PARTIE ADVERSE

- (11) La partie qui signifie une assignation aux termes du paragraphe (3) à une partie adverse pour qu'elle se présente au tribunal peut l'appeler à témoigner et la contre-interroger.

INOBSERVATION DE L'ASSIGNATION PAR LA PARTIE ADVERSE

- (12) Lorsqu'une partie adverse a reçu signification d'une assignation aux termes du paragraphe (3), le tribunal peut rendre une ordonnance définitive en faveur de la partie qui appelle le témoin, ajourner la cause ou rendre toute autre ordonnance appropriée, y compris une ordonnance pour outrage, si la partie adverse :

- a) soit ne se présente pas au tribunal ou n'y reste pas comme l'exige l'assignation;

- (b) refuses to be sworn or to affirm, to answer any proper question or to bring any document or thing named in the summons.

READING OPPOSING PARTY'S ANSWERS INTO EVIDENCE

(13) An answer or information given under rule 20 (questioning) by an opposing party may be read into evidence at trial if it is otherwise proper evidence, even if the opposing party has already testified at trial.

READING OTHER PERSON'S ANSWERS INTO EVIDENCE

(14) Subrule (13) also applies, with necessary changes, to an answer or information given by a person questioned on behalf of or in place of an opposing party, unless the trial judge orders otherwise.

USING ANSWERS—SPECIAL CIRCUMSTANCES

(15) Subrule (13) is subject to the following:

1. If the answer or information is being read into evidence to show that a witness's testimony at trial is not to be believed, answers or information given by the witness earlier must be put to the witness as sections 20 and 21 of the *Evidence Act* require.
2. At the request of an opposing party, the trial judge may direct the party reading the answer or information into evidence to read in, as well, any other answer or information that qualifies or explains what the party has read into evidence.
3. A special party's answer or information may be read into evidence only with the trial judge's permission.

REBUTTING ANSWERS

(16) A party who has read answers or information into evidence at trial may introduce other evidence to rebut the answers or information.

USING ANSWERS OF WITNESS NOT AVAILABLE FOR TRIAL

(17) The trial judge may give a party permission to read into evidence all or part of the answers or information given under rule 20 (questioning) by a person who is unable or unwilling to testify at the trial, but before doing so the judge shall consider,

- (a) the importance of the evidence;
- (b) the general principle that trial evidence should be given orally in court;
- (c) the extent to which the person was cross-examined; and
- (d) any other relevant factor.

TAKING EVIDENCE BEFORE TRIAL

(18) The court may order that a witness whose evidence is necessary at trial may give evidence before trial at a place and before a person named in the order, and then may accept the transcript as evidence.

TAKING EVIDENCE BEFORE TRIAL OUTSIDE ONTARIO

(19) If a witness whose evidence is necessary at trial lives outside Ontario, subrules 20 (14) and (15) (questioning person outside Ontario, commissioner's duties) apply, with necessary changes.

- b) soit refuse de prêter serment ou de faire une affirmation solennelle, de répondre à une question légitime ou d'apporter un document ou une chose désignés dans l'assignation.

CONSIGNATION EN PREUVE DES RÉPONSES DE LA PARTIE ADVERSE

(13) Une réponse ou un renseignement que donne une partie adverse aux termes de la règle 20 (interrogatoire) peut être consigné en preuve au procès s'il constitue par ailleurs une preuve légitime, même si la partie adverse a déjà témoigné au procès.

CONSIGNATION EN PREUVE DES RÉPONSES D'AUTRES PERSONNES

(14) Le paragraphe (13) s'applique également, avec les adaptations nécessaires, à une réponse ou un renseignement que donne une personne interrogée au nom ou à la place d'une partie adverse, sauf ordonnance contraire du juge du procès.

UTILISATION DE RÉPONSES — CIRCONSTANCES PARTICULIÈRES

(15) Le paragraphe (13) est assujéti à ce qui suit :

1. Si la réponse ou le renseignement est consigné en preuve afin de montrer qu'il ne faut pas croire le témoignage d'un témoin, les réponses ou les renseignements qu'il a donnés plus tôt doivent lui être présentés comme l'exigent les articles 20 et 21 de la *Loi sur la preuve*.
2. À la demande d'une partie adverse, le juge du procès peut donner des directives pour que la partie qui consigne la réponse ou le renseignement en preuve consigne également les autres réponses ou renseignements qui nuancent ou expliquent ce qu'elle a consigné.
3. La réponse ou le renseignement d'une partie spéciale ne peut être consigné en preuve qu'avec la permission du juge du procès.

RÉFUTATION DE RÉPONSES

(16) La partie qui a consigné des réponses ou des renseignements en preuve au procès peut présenter d'autres preuves pour les réfuter.

UTILISATION DES RÉPONSES D'UN TÉMOIN QUI NE PEUT ÊTRE PRÉSENT AU PROCÈS

(17) Le juge du procès peut accorder à une partie la permission de consigner en preuve tout ou partie des réponses ou des renseignements donnés aux termes de la règle 20 (interrogatoire) par une personne qui ne peut témoigner au procès ou qui n'est pas disposée à le faire, mais le juge tient d'abord compte de ce qui suit :

- a) l'importance du témoignage;
- b) le principe général selon lequel les témoignages devraient être présentés oralement devant le tribunal;
- c) la mesure dans laquelle la personne a été contre-interrogée;
- d) les autres facteurs pertinents.

RÉCEPTION DE TÉMOIGNAGES AVANT LE PROCÈS

(18) Le tribunal peut ordonner qu'une personne dont le témoignage est nécessaire au procès puisse le donner avant celui-ci dans un lieu et devant une personne désignée dans l'ordonnance, après quoi le tribunal peut accepter la transcription comme témoignage.

RÉCEPTION DE TÉMOIGNAGES AVANT LE PROCÈS À L'EXTÉRIEUR DE L'ONTARIO

(19) Si une personne dont le témoignage est nécessaire au procès habite à l'extérieur de l'Ontario, les paragraphes 20 (14) et (15) (interrogation d'une personne de l'extérieur de l'Ontario, fonctions du commissaire) s'appliquent, avec les adaptations nécessaires.

EVIDENCE BY AFFIDAVIT OR ELECTRONIC RECORDING

(20) The court may allow a witness to give evidence at trial by affidavit or electronic recording if,

- (a) the parties consent;
- (b) the witness is ill or unavailable to come to court for some other good reason;
- (c) the evidence concerns minor or uncontroversial issues; or
- (d) it is in the interests of justice to do so.

CONDITIONS FOR USE OF AFFIDAVIT OR ELECTRONIC RECORDING

(21) Evidence at trial by affidavit or electronic recording may be used only if,

- (a) the use is in accordance with an order under subrule (20);
- (b) the evidence is served at least 14 days before the trial starts; and
- (c) the evidence would have been admissible if given by the witness in court.

AFFIDAVIT EVIDENCE AT UNCONTESTED TRIAL

(22) At an uncontested trial, evidence by affidavit in Form 23C may be used without an order under subrule (20), unless the court directs that oral evidence must be given.

EXPERT WITNESS REPORT SERVED BEFORE TRIAL

(23) A party who wants to call an expert witness at trial shall, at least 14 days before the trial starts, serve on all other parties and file a report that,

- (a) is signed by the expert;
- (b) sets out the expert's name, address and qualifications; and
- (c) summarizes the expert's proposed evidence.

FAILURE TO SERVE EXPERT WITNESS REPORT

(24) A party who has not followed subrule (23) may not call the expert witness unless the trial judge allows otherwise.

RULE 24: COSTS**SUCCESSFUL PARTY PRESUMED ENTITLED TO COSTS**

24. (1) There is a presumption that a successful party is entitled to the costs of a motion, enforcement, case or appeal.

NO PRESUMPTION IN CHILD PROTECTION CASE OR IF PARTY IS GOVERNMENT AGENCY

(2) The presumption does not apply in a child protection case or to a party who is a government agency.

COURT'S DISCRETION—COSTS FOR OR AGAINST GOVERNMENT AGENCY

(3) The court has discretion to award costs to or against a government agency, whether it is successful or unsuccessful.

TÉMOIGNAGES PAR AFFIDAVIT OU PAR ENREGISTREMENT ÉLECTRONIQUE

(20) Le tribunal peut autoriser une personne à témoigner à un procès par affidavit ou par enregistrement électronique si, selon le cas :

- a) les parties y consentent;
- b) le témoin est malade ou ne peut se présenter au tribunal pour une autre raison valable;
- c) le témoignage se rapporte à des questions mineures ou des questions qui ne prêtent pas à controverse;
- d) il est dans l'intérêt de la justice de le faire.

CONDITIONS D'UTILISATION D'UN TÉMOIGNAGE DONNÉ PAR AFFIDAVIT OU PAR ENREGISTREMENT ÉLECTRONIQUE

(21) Le témoignage donné par affidavit ou par enregistrement électronique lors d'un procès ne peut être utilisé que si les conditions suivantes sont réunies :

- a) il est utilisé conformément à une ordonnance rendue en vertu du paragraphe (20);
- b) il est signifié au moins 14 jours avant le début du procès;
- c) il aurait été admissible si le témoin l'avait donné devant le tribunal.

TÉMOIGNAGE PAR AFFIDAVIT LORS D'UN PROCÈS NON CONTESTÉ

(22) Lors d'un procès non contesté, le témoignage donné par affidavit rédigé selon la formule 23C peut être utilisé sans qu'une ordonnance soit rendue en vertu du paragraphe (20), sauf si le tribunal ordonne qu'un témoignage oral doive être donné.

SIGNIFICATION D'UN RAPPORT D'EXPERT AVANT LE PROCÈS

(23) Au moins 14 jours avant le début du procès, la partie qui veut appeler un expert à témoigner à un procès signifie aux autres parties et dépose un rapport :

- a) qui est signé par l'expert;
- b) qui indique les nom, adresse et qualités de l'expert;
- c) qui résume le témoignage que l'expert se propose de donner.

COMMISSION DE SIGNIFIER UN RAPPORT D'EXPERT

(24) La partie qui n'a pas observé le paragraphe (23) ne peut appeler l'expert à témoigner, à moins d'obtenir la permission du juge du procès.

RÈGLE 24 : DÉPENS**DROIT AUX DÉPENS DE LA PARTIE QUI A GAIN DE CAUSE**

24. (1) Il est présumé qu'une partie qui a gain de cause a droit aux dépens de la motion, de la procédure d'exécution, de la cause ou de l'appel.

ABSENCE DE PRÉSUMPTION — CAUSE PORTANT SUR LA PROTECTION D'UN ENFANT OU CAS OÙ LA PARTIE EST UN ORGANISME GOUVERNEMENTAL

(2) La présomption ne s'applique pas à une cause portant sur la protection d'un enfant ni à une partie qui est un organisme gouvernemental.

POUVOIR DISCRÉTIONNAIRE DU TRIBUNAL — DÉPENS DANS LE CAS D'UN ORGANISME GOUVERNEMENTAL

(3) Le tribunal a le pouvoir discrétionnaire d'adjuger les dépens à l'organisme gouvernemental ou de l'y condamner, qu'il ait ou non gain de cause.

SUCCESSFUL PARTY WHO HAS BEHAVED UNREASONABLY

(4) Despite subrule (1), a successful party who has behaved unreasonably during a case may be deprived of all or part of the party's own costs or ordered to pay all or part of the unsuccessful party's costs.

DECISION ON REASONABLENESS

(5) In deciding whether a party has behaved reasonably or unreasonably, the court shall examine,

- (a) the party's behaviour in relation to the issues from the time they arose, including whether the party made an offer to settle;
- (b) the reasonableness of any offer the party made; and
- (c) any offer the party withdrew or failed to accept.

DIVIDED SUCCESS

(6) If success in a step in a case is divided, the court may apportion costs as appropriate.

ABSENT OR UNPREPARED PARTY

(7) If a party does not appear at a step in the case, or appears but is not properly prepared to deal with the issues at that step, the court shall award costs against the party unless the court orders otherwise in the interests of justice.

BAD FAITH

(8) If a party has acted in bad faith, the court shall decide costs on a full recovery basis and shall order the party to pay them immediately.

COSTS CAUSED BY FAULT OF LAWYER OR AGENT

(9) If a party's lawyer or agent has run up costs without reasonable cause or has wasted costs, the court may, on motion or on its own initiative, after giving the lawyer or agent an opportunity to be heard,

- (a) order that the lawyer or agent shall not charge the client fees or disbursements for work specified in the order, and order the lawyer or agent to repay money that the client has already paid toward costs;
- (b) order the lawyer or agent to repay the client any costs that the client has been ordered to pay another party;
- (c) order the lawyer or agent personally to pay the costs of any party; and
- (d) order that a copy of an order under this subrule be given to the client.

COSTS TO BE DECIDED AT EACH STEP

(10) Promptly after each step in the case, the judge or other person who dealt with that step shall decide in a summary manner who, if any, is entitled to costs, and set the amount of costs.

FACTORS IN COSTS

- (11) A person setting the amount of costs shall consider,
 - (a) the importance, complexity or difficulty of the issues;
 - (b) the reasonableness or unreasonableness of each party's behaviour in the case;

CONDUITE DÉRAISONNABLE DE LA PARTIE QUI A GAIN DE CAUSE

(4) Malgré le paragraphe (1), la partie qui a gain de cause mais qui s'est conduite de manière déraisonnable peut se voir priver de tout ou partie de ses dépens ou ordonner de payer tout ou partie des dépens de l'autre partie.

DÉCISION QUANT AU CARACTÈRE RAISONNABLE

(5) Lorsqu'il décide si une partie s'est conduite d'une manière raisonnable ou déraisonnable, le tribunal examine ce qui suit :

- a) la conduite de la partie en ce qui concerne les questions en litige à partir du moment où elles ont été soulevées, y compris la question de savoir si la partie a présenté une offre de règlement amiable;
- b) le caractère raisonnable de toute offre présentée par la partie;
- c) toute offre que la partie a retirée ou n'a pas acceptée

PARTAGE DES DÉPENS

(6) Si plus d'une partie a gain de cause dans une étape d'une cause, le tribunal peut répartir les dépens selon ce qui est approprié.

PARTIE ABSENTE OU NON PRÉPARÉE

(7) Si une partie ne comparaît pas à une étape de la cause ou qu'elle comparaît mais n'est pas suffisamment préparée pour traiter les questions en litige à cette étape, le tribunal la condamne aux dépens, sauf s'il rend une ordonnance contraire dans l'intérêt de la justice.

MAUVAISE FOI

(8) Si une partie a agi de mauvaise foi, le tribunal fixe le montant des dépens de l'autre partie en fonction du recouvrement intégral de ses frais et lui ordonne de les payer immédiatement.

FRAIS CAUSÉS PAR L'AVOCAT OU LE REPRÉSENTANT

(9) Si l'avocat ou le représentant d'une partie a accumulé des frais sans motif raisonnable ou a engagé des frais inutilement, le tribunal peut, sur motion ou de sa propre initiative, après avoir donné à l'avocat ou au représentant la possibilité d'être entendu :

- a) ordonner à l'avocat ou au représentant de ne pas facturer au client les honoraires ou les débours pour le travail précisé dans l'ordonnance et lui ordonner de rembourser au client ce qu'il a déjà payé à l'égard des dépens;
- b) ordonner à l'avocat ou au représentant de rembourser au client les dépens que celui-ci a été condamné à payer à une autre partie;
- c) ordonner à l'avocat ou au représentant de payer les dépens de toute partie;
- d) ordonner qu'une copie d'une ordonnance rendue en vertu de la présente règle soit remise au client.

FIXATION DES DÉPENS APRÈS CHAQUE ÉTAPE

(10) Promptement après chaque étape de la cause, le juge ou l'autre personne qui s'est occupé de l'étape détermine de façon sommaire qui a droit aux dépens, le cas échéant, et en fixe le montant.

FACTEURS LIÉS AUX DÉPENS

(11) La personne qui fixe le montant des dépens tient compte de ce qui suit :

- a) l'importance, la complexité ou la difficulté des questions en litige;
- b) le caractère raisonnable ou déraisonnable de la conduite de chaque partie dans la cause;

- (c) the lawyer's rates;
- (d) the time properly spent on the case, including conversations between the lawyer and the party or witnesses, drafting documents and correspondence, attempts to settle, preparation, hearing, argument, and preparation and signature of the order;
- (e) expenses properly paid or payable; and
- (f) any other relevant matter.

PAYMENT OF EXPENSES

(12) The court may make an order that a party pay an amount of money to another party to cover part or all of the expenses of carrying on the case, including a lawyer's fees.

ORDER FOR SECURITY FOR COSTS

(13) A judge may, on motion, make an order for security for costs that is just, based on one or more of the following factors:

1. A party ordinarily resides outside Ontario.
2. A party has an order against the other party for costs that remains unpaid, in the same case or another case.
3. A party is a corporation and there is good reason to believe it does not have enough assets in Ontario to pay costs.
4. There is good reason to believe that the case is a waste of time or a nuisance and that the party does not have enough assets in Ontario to pay costs.
5. A statute entitles the party to security for costs.

AMOUNT AND FORM OF SECURITY

(14) The judge shall determine the amount of the security, its form and the method of giving it.

EFFECT OF ORDER FOR SECURITY

(15) Until the security has been given, a party against whom there is an order for security for costs may not take any step in the case, except to appeal from the order, unless a judge orders otherwise.

FAILURE TO GIVE SECURITY

(16) If the party does not give the security as ordered, a judge may, on motion, dismiss the party's case or strike out the party's answer or any other document filed by the party, and then subrule (15) no longer applies.

SECURITY MAY BE CHANGED

(17) The amount of the security, its form and the method of giving it may be changed by order at any time.

RULE 25: ORDERS

CONSENT ORDER

25. (1) If the parties agree, the court may make an order under these rules or an Act without having the parties or their lawyers come to court.

SUCCESSFUL PARTY PREPARES DRAFT ORDER

(2) The party in whose favour an order is made shall prepare a draft of the order (Form 25, 25A, 25B, 25C or 25D), unless the court orders otherwise.

- c) les honoraires de l'avocat;
- d) le temps consacré légitimement à la cause, y compris les conversations entre l'avocat et la partie ou les témoins, la rédaction des documents et de la correspondance, les tentatives de règlement amiable, la préparation, l'audition de la cause, les plaidoiries ainsi que la préparation et la signature de l'ordonnance;
- e) les dépenses payées ou à payer légitimement;
- f) les autres questions pertinentes.

PAIEMENT DES DÉPENSES

(12) Le tribunal peut rendre une ordonnance exigeant qu'une partie paie une somme à une autre partie pour couvrir tout ou partie des dépenses engagées pour conduire la cause, y compris les honoraires d'un avocat.

ORDONNANCE DE CAUTIONNEMENT POUR DÉPENS

(13) Le juge peut, sur motion, rendre une ordonnance de cautionnement pour dépens qui est équitable en se fondant sur un ou plusieurs des facteurs suivants :

1. La partie réside ordinairement à l'extérieur de l'Ontario.
2. La partie a obtenu, dans la même cause ou dans une autre, une ordonnance condamnant l'autre partie aux dépens et ceux-ci sont toujours impayés.
3. La partie est une société et il existe de bonnes raisons de croire qu'elle ne possède pas suffisamment d'éléments d'actif en Ontario pour payer les dépens.
4. Il existe de bonnes raisons de croire que la cause constitue une perte de temps ou a été introduite dans l'intention de causer des embêtements et que la partie ne possède pas suffisamment d'éléments d'actif en Ontario pour payer les dépens.
5. Une loi accorde à la partie le droit d'obtenir un cautionnement pour dépens.

MONTANT ET FORME DU CAUTIONNEMENT

(14) Le juge fixe le montant du cautionnement, sa forme et son mode de versement.

EFFET DE L'ORDONNANCE DE CAUTIONNEMENT

(15) Tant que le cautionnement n'est pas versé, la partie contre qui une ordonnance de cautionnement pour dépens a été rendue ne peut commencer une autre étape de la cause, à l'exception d'un appel de l'ordonnance, sauf ordonnance contraire du juge.

OMISSION DE VERSER LE CAUTIONNEMENT

(16) Si la partie ne verse pas le cautionnement ordonné, un juge peut, sur motion, rejeter sa cause ou radier sa défense ou tout autre document déposé par elle, auquel cas le paragraphe (15) ne s'applique plus.

MODIFICATION DU CAUTIONNEMENT

(17) Le montant du cautionnement, sa forme et son mode de versement peuvent être modifiés par ordonnance.

RÈGLE 25 : ORDONNANCES

ORDONNANCES SUR CONSENTEMENT

25. (1) Le tribunal peut, avec l'accord des parties, rendre une ordonnance en vertu des présentes règles ou d'une loi sans que les parties ou leurs avocats aient à se présenter au tribunal.

PRÉPARATION DU PROJET D'ORDONNANCE PAR LA PARTIE AYANT GAIN DE CAUSE

(2) Sauf ordonnance contraire du tribunal, la partie en faveur de laquelle une ordonnance est rendue prépare un projet d'ordonnance (formule 25, 25A, 25B, 25C ou 25D).

OTHER PARTY MAY PREPARE DRAFT ORDER

(3) If the party in whose favour an order is made does not have a lawyer or does not prepare a draft order within 10 days after the order is made, any other party may prepare the draft order, unless the court orders otherwise.

APPROVAL OF DRAFT ORDER

(4) A party who prepares an order shall serve a draft, for approval of its form and content, on every other party who was in court or was represented when the order was made (including a child who has a lawyer).

SETTLING CONTENTS OF DISPUTED ORDER

(5) Unless the court orders otherwise, a party who disagrees with the form or content of a draft order shall serve, on every party who was served under subrule (4) and on the party who served the draft order,

- (a) a notice disputing approval (Form 25E);
- (b) a copy of the order, redrafted as proposed; and
- (c) notice of a time and date at which the clerk will settle the order by telephone conference.

TIME AND DATE

(6) The time and date shall be set by the clerk and shall be within five days after service of the notice disputing approval.

DISPUTED ORDER—SETTLEMENT BY JUDGE

(7) If unable to settle the order at the telephone conference, the clerk shall, as soon as possible, refer the order to the judge who made it, to be settled at a further telephone conference, unless the judge orders the parties to come to court for settlement of the order.

NO APPROVAL REQUIRED IF NO RESPONSE FROM OTHER PARTY

(8) If no approval or notice disputing approval (Form 25E) is served within 10 days after the draft order is served for approval, it may be signed without approval.

NO APPROVAL REQUIRED FOR CERTAIN ORDERS

(9) If an order dismisses a motion, case or appeal, without costs, or is prepared by the clerk under subrule (11), it may be signed without approval.

NO APPROVAL REQUIRED IN EMERGENCIES

(10) If the delay involved in getting an order approved would have serious consequences, the judge who made it may sign it without approval.

WHEN CLERK PREPARES ORDER

- (11) The clerk shall prepare the order for signature,
 - (a) within 10 days after it is made, if no party has a lawyer;
 - (b) as soon as it is made,
 - (i) if it is a support deduction order under the *Family Responsibility and Support Arrears Enforcement Act, 1996*, or
 - (ii) if the judge directs the clerk to do so.

PRÉPARATION DU PROJET D'ORDONNANCE PAR UNE AUTRE PARTIE

(3) Sauf ordonnance contraire du tribunal, si la partie en faveur de laquelle une ordonnance est rendue n'a pas d'avocat ou ne prépare pas de projet d'ordonnance au plus tard 10 jours après que l'ordonnance est rendue, une autre partie peut s'en charger.

APPROBATION DU PROJET D'ORDONNANCE

(4) La partie qui prépare l'ordonnance signifie un projet, aux fins d'approbation de sa forme et de son contenu, à chacune des autres parties qui était présente au tribunal ou y était représentée lorsque l'ordonnance a été rendue (y compris un enfant qui a un avocat).

DÉCISION DU CONTENU D'UNE ORDONNANCE CONTESTÉE

(5) Sauf ordonnance contraire du tribunal, la partie qui n'est pas d'accord avec la forme ou le contenu d'un projet d'ordonnance signifie, à chacune des parties qui a reçu signification aux termes du paragraphe (4) et à la partie qui a signifié le projet :

- a) un avis de contestation de l'approbation (formule 25E);
- b) une copie de l'ordonnance, réécrite selon ce qu'elle propose;
- c) un avis de l'heure et de la date auxquelles le greffier décidera de l'ordonnance par conférence téléphonique.

HEURE ET DATE

(6) L'heure et la date sont fixées par le greffier et se situent dans les cinq jours qui suivent la signification de l'avis de contestation de l'approbation.

ORDONNANCE CONTESTÉE — DÉCISION DU JUGE

(7) S'il n'a pu décider de l'ordonnance lors de la conférence téléphonique, le greffier renvoie l'ordonnance, dès que possible, au juge qui l'a rendue afin qu'il en décide lors d'une autre conférence téléphonique, sauf si le juge ordonne aux parties de se présenter au tribunal à cette fin.

AUCUNE APPROBATION NÉCESSAIRE EN L'ABSENCE DE RÉPONSE D'UNE AUTRE PARTIE

(8) Si une approbation ou un avis de contestation de l'approbation (formule 25E) n'est pas signifié dans les 10 jours qui suivent la signification du projet d'ordonnance aux fins d'approbation, celui-ci peut être signé sans approbation.

AUCUNE APPROBATION NÉCESSAIRE POUR CERTAINES ORDONNANCES

(9) L'ordonnance qui rejette une motion, une cause ou un appel, sans dépens, ou qui est préparée par le greffier aux termes du paragraphe (11) peut être signée sans approbation.

AUCUNE APPROBATION NÉCESSAIRE EN SITUATION D'URGENCE

(10) Si le délai nécessaire pour obtenir l'approbation d'une ordonnance devait entraîner de graves conséquences, le juge qui a rendu l'ordonnance peut la signer sans approbation.

DÉLAI DANS LEQUEL LE GREFFIER PRÉPARE L'ORDONNANCE

- (11) Le greffier prépare l'ordonnance en vue de sa signature :
 - a) soit au plus tard 10 jours après qu'elle est rendue, si aucune partie n'a d'avocat;
 - b) soit dès que possible après qu'elle est rendue :
 - (i) s'il s'agit d'une ordonnance de retenue des aliments rendue en vertu de la *Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments*,
 - (ii) si le juge lui ordonne de le faire.

WHO SIGNS ORDER

(12) An order may be signed by the judge who made it or by the clerk.

SERVICE OF ORDER

(13) Unless the court orders otherwise, the person who prepared an order shall serve it, by regular service (subrule 6 (2)) or by mail, fax or electronic mail to the person's last known address,

- (a) on every other party, including a respondent to whom subrule 10 (5) (no notice to respondent) applies;
- (b) if a child involved in the case has a lawyer, on the lawyer; and
- (c) on any other person named by the court.

SUPPORT DEDUCTION ORDER NOT SERVED

(14) A support deduction order under the *Family Responsibility and Support Arrears Enforcement Act, 1996* does not have to be served.

SERVICE OF CROWN WARDSHIP ORDER

(15) An order for Crown wardship under Part III of the *Child and Family Services Act* shall be served on the following persons, in addition to the ones mentioned in subrule (13):

- 1. The child, if that Act requires notice to the child.
- 2. Any foster parent or other person who is entitled to notice under subsection 39 (3) of that Act.
- 3. A Director appointed under that Act.

SERVICE OF SECURE TREATMENT ORDER

(16) An order for secure treatment under Part VI of the *Child and Family Services Act* shall be served on the administrator of the secure treatment program, in addition to the persons mentioned in subrule (13).

SERVICE OF ADOPTION ORDER

(17) An adoption order shall be served on the following persons, in addition to the ones mentioned in subrule (13):

- 1. The adopted child, if the child gave consent under subsection 137 (6) of the *Child and Family Services Act*.
- 2. The persons mentioned in subsection 162 (3) of that Act.

EFFECTIVE DATE

(18) An order is effective from the date on which it is made, unless it states otherwise.

RULE 26: ENFORCEMENT OF ORDERS**WHERE TO ENFORCE AN ORDER**

26. (1) The place for enforcement of an order is governed by subrules 5 (5) and (6) (place for starting enforcement).

HOW TO ENFORCE AN ORDER

(2) An order that has not been obeyed may, in addition to any other method of enforcement provided by law, be enforced as provided by subrules (3) and (4).

SIGNATAIRE DE L'ORDONNANCE

(12) Une ordonnance peut être signée par le juge qui l'a rendue ou par le greffier.

SIGNIFICATION DE L'ORDONNANCE

(13) Sauf ordonnance contraire du tribunal, la personne qui a préparé l'ordonnance la signifie, par voie de signification ordinaire (paragraphe 6 (2)) ou par la poste, par télécopie ou par courrier électronique à la dernière adresse connue de la personne, aux destinataires suivants :

- a) les autres parties, y compris un intimé à qui s'applique le paragraphe 10 (5) (absence de préavis à l'intimé);
- b) si un enfant concerné par la cause a un avocat, l'avocat;
- c) toute autre personne que désigne le tribunal.

SIGNIFICATION NON OBLIGATOIRE D'UNE ORDONNANCE DE RETENUE DES ALIMENTS

(14) Il n'est pas nécessaire de signifier une ordonnance de retenue des aliments rendue en vertu de la *Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments*.

SIGNIFICATION D'UNE ORDONNANCE DE TUTELLE PAR LA COURONNE

(15) Une ordonnance de tutelle par la Couronne rendue en vertu de la partie III de la *Loi sur les services à l'enfance et à la famille* est signifiée aux personnes suivantes en plus de celles mentionnées au paragraphe (13) :

- 1. L'enfant, si cette loi exige qu'il soit avisé.
- 2. Le père ou la mère de famille d'accueil ou l'autre personne qui a droit à l'avis en vertu du paragraphe 39 (3) de cette loi.
- 3. Le directeur nommé aux termes de cette loi.

SIGNIFICATION D'UNE ORDONNANCE PORTANT SUR LE TRAITEMENT EN MILIEU FERMÉ

(16) Une ordonnance portant sur le traitement en milieu fermé rendue en vertu de la partie VI de la *Loi sur les services à l'enfance et à la famille* est signifiée à l'administrateur du programme en plus des personnes mentionnées au paragraphe (13).

SIGNIFICATION D'UNE ORDONNANCE D'ADOPTION

(17) Une ordonnance d'adoption est signifiée aux personnes suivantes en plus de celles mentionnées au paragraphe (13) :

- 1. L'enfant adopté, s'il a donné son consentement aux termes du paragraphe 137 (6) de la *Loi sur les services à l'enfance et à la famille*.
- 2. Les personnes mentionnées au paragraphe 162 (3) de cette loi.

DATE DE PRISE D'EFFET

(18) Une ordonnance, sauf disposition contraire, prend effet à compter de la date à laquelle elle est rendue.

RÈGLE 26 : EXÉCUTION DES ORDONNANCES**LIEU D'EXÉCUTION D'UNE ORDONNANCE**

26. (1) Le lieu d'exécution d'une ordonnance est régi par les paragraphes 5 (5) et (6) (lieu de déroulement des étapes de l'exécution).

MODE D'EXÉCUTION D'UNE ORDONNANCE

(2) L'ordonnance qui n'a pas été observée peut, en plus de tout autre moyen d'exécution prévu par la loi, être exécutée comme le prévoient les paragraphes (3) et (4).

PAYMENT ORDERS

- (3) A payment order may be enforced by,
- (a) a request for a financial statement (subrule 27 (1));
 - (b) a request for disclosure from an income source (subrule 27 (7));
 - (c) a financial examination (subrule 27 (11));
 - (d) seizure and sale (rule 28);
 - (e) garnishment (rule 29);
 - (f) a default hearing (rule 30), if the order is a support order;
 - (g) the appointment of a receiver under section 101 of the *Courts of Justice Act*; and
 - (h) registration under section 42 of the *Family Responsibility and Support Arrears Enforcement Act, 1996*.

OTHER ORDERS

- (4) An order other than a payment order may be enforced by,
- (a) a writ of temporary seizure of property (subrule 28 (10));
 - (b) a contempt order (rule 31); and
 - (c) the appointment of a receiver under section 101 of the *Courts of Justice Act*.

STATEMENT OF MONEY OWED

(5) A statement of money owed shall be in Form 26, with a copy of the order that is in default attached.

SPECIAL FORMS FOR STATEMENT OF MONEY OWED

- (6) Despite subrule (3),
- (a) if the *Family Responsibility and Support Arrears Enforcement Act, 1996* applies, a statement of arrears in the form used by the Director may be used instead of Form 26;
 - (b) if the *Reciprocal Enforcement of Support Orders Act* applies, a document receivable under subsection 16 (4) of that Act may be used instead of Form 26.

RECIPIENT'S OR DIRECTOR'S ENTITLEMENT TO COSTS

(7) Unless the court orders otherwise, the recipient or the Director is entitled to the costs,

- (a) of carrying out a financial examination; and
- (b) of issuing, serving, filing and enforcing a writ of seizure and sale, a writ of temporary seizure and a notice of garnishment and of changing them by statutory declaration.

ENFORCEMENT OF ADMINISTRATIVE COSTS

(8) For the purpose of subrule (7), the recipient or the Director may collect under a writ of seizure and sale, a notice of garnishment or a statutory declaration changing either of them,

- (a) the amounts set out in the regulations under the *Administration of Justice Act* and awarded under rule 24 (costs) for filing and renewing with the sheriff a writ of seizure and sale or a writ of temporary seizure;

ORDONNANCES DE PAIEMENT

(3) Une ordonnance de paiement peut être exécutée par les moyens suivants :

- a) une demande d'état financier (paragraphe 27 (1));
- b) une demande d'état des revenus signifiée à une source de revenu (paragraphe 27 (7));
- c) un interrogatoire sur la situation financière (paragraphe 27 (11));
- d) une saisie-exécution (règle 28);
- e) une saisie-arrêt (règle 29);
- f) une audience sur le défaut (règle 30), s'il s'agit d'une ordonnance alimentaire;
- g) la nomination d'un séquestre en vertu de l'article 101 de la *Loi sur les tribunaux judiciaires*;
- h) un enregistrement en vertu de l'article 42 de la *Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments*.

AUTRES ORDONNANCES

(4) Une ordonnance autre qu'une ordonnance de paiement peut être exécutée par les moyens suivants :

- a) un bref de saisie temporaire de biens (paragraphe 28 (10));
- b) une ordonnance pour outrage (règle 31);
- c) la nomination d'un séquestre en vertu de l'article 101 de la *Loi sur les tribunaux judiciaires*.

ÉTAT DES SOMMES DUES

(5) Un état des sommes dues est rédigé selon la formule 26 et une copie de l'ordonnance qui fait l'objet du défaut y est jointe.

FORMULES SPÉCIALES POUR L'ÉTAT DES SOMMES DUES

- (6) Malgré le paragraphe (3) :
- a) si la *Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments* s'applique, un état de l'arriéré rédigé selon la formule utilisée par le directeur peut être utilisée au lieu de la formule 26;
 - b) si la *Loi sur l'exécution réciproque d'ordonnances alimentaires* s'applique, un document recevable en vertu du paragraphe 16 (4) de cette loi peut être utilisé au lieu de la formule 26.

DROIT AUX DÉPENS DU BÉNÉFICIAIRE OU DU DIRECTEUR

(7) Sauf ordonnance contraire du tribunal, le bénéficiaire ou le directeur a droit aux dépens liés à ce qui suit :

- a) un interrogatoire sur la situation financière;
- b) la délivrance, la signification, le dépôt et l'exécution d'un bref de saisie-exécution, d'un bref de saisie temporaire et d'un avis de saisie-arrêt, ainsi que leur modification au moyen d'une déclaration solennelle.

EXÉCUTION DES FRAIS D'ADMINISTRATION

(8) Pour l'application du paragraphe (7), le bénéficiaire ou le directeur peut recouvrer les sommes suivantes en vertu d'un bref de saisie-exécution, d'un avis de saisie-arrêt ou d'une déclaration solennelle qui modifie l'un ou l'autre :

- a) les sommes prévues dans les règlements pris en application de la *Loi sur l'administration de la justice* et adjugées en vertu de la règle 24 (dépens) pour le dépôt et le renouvellement auprès du shérif d'un bref de saisie-exécution ou d'un bref de saisie temporaire;

- (b) payments made to a sheriff, clerk, official examiner, court reporter or other public officer in accordance with the regulations under the *Administration of Justice Act* and awarded under rule 24 (costs), on filing with the sheriff or clerk a copy of a receipt for each payment or an affidavit setting out the payments made; and
- (c) the actual expense for carrying out a financial examination, or any other costs to which the recipient or the Director is entitled under subrule (7), on filing with the sheriff or clerk an affidavit (Form 26A) setting out the items of expense in detail.

AFFIDAVIT FOR FILING DOMESTIC CONTRACT OR PATERNITY AGREEMENT

(9) An affidavit for filing a domestic contract or paternity agreement under subsection 35 (1) of the *Family Law Act* shall be in Form 26B.

DIRECTOR'S STATUS

(10) If the Director enforces an order under the *Family Responsibility and Support Arrears Enforcement Act, 1996*, anything in these rules relating to enforcement by the person in whose favour the order was made applies to the Director.

FILING AND REFILING WITH THE DIRECTOR

(11) A person who files or refiles a support order in the Director's office shall immediately mail notice of the filing to the clerk at any court office where the recipient is enforcing the order.

TRANSFERRING ENFORCEMENT FROM RECIPIENT TO DIRECTOR

(12) A recipient who files a support order in the Director's office shall, on the Director's request, assign to the Director any enforcement that the recipient has started, and then the Director may continue with the enforcement as if the Director had started it.

TRANSFERRING ENFORCEMENT FROM DIRECTOR TO RECIPIENT

(13) If the parties withdraw a support order from the Director's office, the Director shall, on the recipient's request, given to the Director at the same time as the notice of withdrawal, assign to the recipient any enforcement that the Director has started, and then the recipient may continue with the enforcement as if the recipient had started it.

NOTICE OF TRANSFER OF ENFORCEMENT

(14) A person who continues an enforcement under subrule (12) or (13) shall immediately mail a notice of transfer of enforcement (Form 26C) to,

- (a) all parties to the enforcement;
- (b) the clerk at every court office where the enforcement is being carried on; and
- (c) every sheriff who is involved with the enforcement at the time of transfer.

RULE 27: REQUIRING FINANCIAL INFORMATION

REQUEST FOR FINANCIAL STATEMENT

27. (1) If a payment order is in default, a recipient may serve a request for a financial statement (Form 27) on the payor.

- (b) les paiements faits à un shérif, à un greffier, à un auditeur officiel, à un sténographe judiciaire ou à un autre fonctionnaire public conformément aux règlements pris en application de la *Loi sur les tribunaux judiciaires* et adjugés en vertu de la règle 24 (dépens), sur dépôt auprès du shérif ou du greffier d'une copie d'un reçu pour chaque paiement ou d'un affidavit indiquant les paiements effectués;
- (c) les frais réels engagés pour procéder à un interrogatoire sur la situation financière ou les autres dépens auxquels le bénéficiaire ou le directeur a droit aux termes du paragraphe (7), sur dépôt auprès du shérif ou du greffier d'un affidavit (formule 26A) détaillant les articles de dépense.

AFFIDAVIT POUR LE DÉPÔT D'UN CONTRAT FAMILIAL OU D'UN ACCORD DE PATERNITÉ

(9) L'affidavit pour le dépôt d'un contrat familial ou d'un accord de paternité prévu au paragraphe 35 (1) de la *Loi sur le droit de la famille* est rédigé selon la formule 26B.

STATUT DU DIRECTEUR

(10) Si le directeur exécute une ordonnance aux termes de la *Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments*, toute disposition des présentes règles qui porte sur l'exécution par la personne en faveur de qui l'ordonnance a été rendue s'applique au directeur.

DÉPÔT ET NOUVEAU DÉPÔT AUPRÈS DU DIRECTEUR

(11) La personne qui dépose ou dépose de nouveau une ordonnance alimentaire au bureau du directeur envoie immédiatement par la poste un avis de dépôt au greffier de tout greffe où le bénéficiaire exécute l'ordonnance.

TRANSFERT DE L'EXÉCUTION DU BÉNÉFICIAIRE AU DIRECTEUR

(12) Le bénéficiaire qui dépose une ordonnance alimentaire au bureau du directeur cède à celui-ci, à sa demande, toute procédure d'exécution qu'il a commencée, auquel cas le directeur peut poursuivre la procédure comme s'il l'avait commencée.

TRANSFERT DE L'EXÉCUTION DU DIRECTEUR AU BÉNÉFICIAIRE

(13) Si les parties retirent une ordonnance alimentaire de son bureau, le directeur cède au bénéficiaire, à la demande de celui-ci présentée au directeur en même temps que l'avis de retrait, toute procédure d'exécution qu'il a commencée, auquel cas le bénéficiaire peut poursuivre la procédure comme s'il l'avait commencée.

AVIS DE TRANSFERT D'EXÉCUTION

(14) La personne qui poursuit une procédure d'exécution aux termes du paragraphe (12) ou (13) envoie immédiatement par la poste un avis de transfert d'exécution (formule 26C) aux personnes suivantes :

- (a) les parties à l'exécution;
- (b) le greffier de chaque greffe où s'effectue la procédure d'exécution;
- (c) chaque shérif qui participe à la procédure au moment du transfert.

RÈGLE 27 : OBLIGATION DE FOURNIR DES RENSEIGNEMENTS FINANCIERS

DEMANDE D'ÉTAT FINANCIER

27. (1) En cas de défaut à l'égard d'une ordonnance de paiement, le bénéficiaire peut signifier une demande d'état financier (formule 27) au payeur.

ORDER FOR FINANCIAL STATEMENT

(5) The court may, on motion, order a payor to serve and file a financial statement.

FAILURE TO OBEY ORDER

(6) If the payor does not serve and file a financial statement within 10 days after being served with the order, the court may, on motion with special service (subrule 6 (3)), order that the payor be imprisoned continuously or intermittently for not more than 40 days.

REQUEST FOR STATEMENT OF INCOME FROM INCOME SOURCE

(7) If a payment order is in default, the recipient may serve a request for a statement of income (Form 27A) on an income source of the payor, requiring the income source to prepare and mail to the recipient a statement of income (Form 27B).

FREQUENCY OF REQUESTS FOR STATEMENT OF INCOME

(8) A recipient may request a statement of income from an income source only once in a six-month period, unless the court gives the recipient permission to do so more often.

ORDER FOR STATEMENT OF INCOME

(9) The court may, on the recipient's motion, order an income source to serve and file a statement of income.

INCOME SOURCE'S FAILURE TO OBEY ORDER

(10) If the income source does not serve and file a statement of income within 10 days after being served with the order, the court may, on the recipient's motion, order the income source to post a bond (Form 32).

APPOINTMENT FOR FINANCIAL EXAMINATION

(11) If a payment order is in default, the recipient may serve on the payor, by special service (subrule 6 (3)), an appointment for a financial examination (Form 27C), requiring the payor to,

- (a) come to a financial examination;
- (b) bring to the examination any document or thing named in the appointment that is in the payor's control or available to the payor on request, relevant to the enforcement of the order, and not protected by a legal privilege; and
- (c) serve a financial statement (Form 13) on the recipient, not later than seven days before the date of the examination.

FINANCIAL EXAMINATION OF PERSON OTHER THAN PAYOR

(12) If a payment order is in default and a person other than the payor may know about the matters listed in subrule (17), the recipient may require that person to come to a financial examination by serving a summons to witness (Form 23) and the witness fee (subrule 23 (4)) on the person by special service (subrule 6 (3)).

PLACE WHERE FINANCIAL EXAMINATION HELD

- (13) A financial examination shall be held,
 - (a) in a place where the parties and the person to be examined agree;

ORDONNANCE DE DÉPÔT D'UN ÉTAT FINANCIER

(5) Le tribunal peut, sur motion, ordonner au payeur de signifier et de déposer un état financier.

INOBSERVATION DE L'ORDONNANCE

(6) Si le payeur ne signifie ni ne dépose d'état financier au plus tard 10 jours après que l'ordonnance lui est signifiée, le tribunal peut, sur motion présentée par voie de signification spéciale (paragraphe 6 (3)), ordonner son emprisonnement de façon continue ou intermittente pour une période ne dépassant pas 40 jours.

DEMANDE D'ÉTAT DES REVENUS À UNE SOURCE DE REVENU

(7) En cas de défaut à l'égard d'une ordonnance de paiement, le bénéficiaire peut signifier une demande d'état des revenus (formule 27A) à une source de revenu du payeur lui enjoignant de préparer un état des revenus (formule 27B) et de le lui envoyer par la poste.

FRÉQUENCE DES DEMANDES D'ÉTATS DES REVENUS

(8) Le bénéficiaire peut demander un état des revenus à une source de revenu une fois par période de six mois, à moins que le tribunal ne lui accorde la permission de le faire plus souvent.

ORDONNANCE DE DÉPÔT D'UN ÉTAT DES REVENUS

(9) Le tribunal peut, sur motion présentée par le bénéficiaire, ordonner à une source de revenu de signifier et de déposer un état des revenus.

INOBSERVATION DE L'ORDONNANCE PAR LA SOURCE DE REVENU

(10) Si la source de revenu ne signifie ni ne dépose d'état des revenus au plus tard 10 jours après que l'ordonnance lui est signifiée, le tribunal peut, sur motion présentée par le bénéficiaire, lui ordonner de fournir un cautionnement (formule 32).

CONVOCATION À UN INTERROGATOIRE SUR LA SITUATION FINANCIÈRE

(11) En cas de défaut à l'égard d'une ordonnance de paiement, le bénéficiaire peut signifier au payeur, par voie de signification spéciale (paragraphe 6 (3)), une convocation à un interrogatoire sur la situation financière (formule 27C) lui enjoignant :

- a) de se présenter à un interrogatoire sur sa situation financière;
- b) d'apporter tout document ou toute chose que précise la convocation et qui est sous le contrôle du payeur ou à sa disposition sur demande, qui se rapporte à l'exécution de l'ordonnance et qui n'est pas protégé par un privilège juridique;
- c) de signifier un état financier (formule 13) au bénéficiaire au plus tard sept jours avant la date de l'interrogatoire.

INTERROGATOIRE SUR LA SITUATION FINANCIÈRE D'UNE PERSONNE AUTRE QUE LE PAYEUR

(12) En cas de défaut à l'égard d'une ordonnance de paiement et lorsqu'il est possible qu'une personne autre que le payeur soit au courant des questions mentionnées au paragraphe (17), le bénéficiaire peut courir des questions mentionnées au paragraphe (17), le bénéficiaire peut obliger cette personne à se présenter à un interrogatoire sur sa situation financière en lui signifiant, par voie de signification spéciale (paragraphe 6 (3)), une assignation de témoin (formule 23) accompagnée de l'indemnité de témoin (paragraphe 23 (4)).

LIEU DE L'INTERROGATOIRE SUR LA SITUATION FINANCIÈRE

- (13) L'interrogatoire sur la situation financière se tient, selon le cas :
 - a) à l'endroit dont conviennent les parties et la personne à interroger;

- (b) where the person to be examined lives in Ontario, in the municipality where the person lives; or
- (c) in a place chosen by the court.

OTHER RULES APPLY

(14) Subrules 19 (4), (5) and (8) (documents protected by legal privilege, use of privileged documents, documents omitted from affidavit) and 23 (7) (failure to obey summons) apply to a financial examination, with necessary changes.

NOTICE OF TIME AND PLACE OF EXAMINATION

(15) A payor who is served with an appointment or a person who is served with a summons for a financial examination shall have at least 10 days' notice of the time and place of the examination.

BEFORE WHOM EXAMINATION IS HELD, METHOD OF RECORDING

(16) A financial examination shall be held under oath or affirmation, before a person chosen by agreement of the payor and recipient or in accordance with subrule 20 (12) (other arrangements for questioning), and shall be recorded by a method chosen in the same way.

SCOPE OF EXAMINATION

(17) On a financial examination, the payor or other person may be questioned about,

- (a) the reason for the payor's default;
- (b) the payor's income and property;
- (c) the debts owed to and by the payor;
- (d) the disposal of any property by the payor either before or after the making of the order that is in default;
- (e) the payor's past, present and future ability to pay under the order;
- (f) whether the payor intends to obey the order, and any reason for not doing so; and
- (g) any other matter relevant to the enforcement of the order.

RESISTANCE TO EXAMINATION

(18) Subrule (19) applies if a payor who is served with an appointment or a person who is served with a summons for a financial examination,

- (a) does not come to the examination as required by the appointment or summons;
- (b) does not serve on the recipient a financial statement as required by the appointment;
- (c) comes to the examination, but does not bring a document or thing named in the appointment or summons; or
- (d) comes to the examination, but refuses to take an oath or affirm or to answer a question.

ORDER FOR ANOTHER EXAMINATION

(19) The court may, on motion, make an order and give directions for another financial examination of the payor or other person and may in addition require the payor or person to post a bond (Form 32).

- b) si la personne à interroger habite en Ontario, dans la municipalité où elle habite;
- c) à l'endroit que choisit le tribunal.

AUTRES RÈGLES APPLICABLES

(14) Les paragraphes 19 (4), (5) et (8) (documents protégés par un privilège juridique, utilisation de documents protégés, documents non mentionnés dans l'affidavit) et 23 (7) (inobservation d'une assignation de témoin) s'appliquent, avec les adaptations nécessaires, à l'interrogatoire sur la situation financière.

AVIS DES DATE, HEURE ET LIEU DE L'INTERROGATOIRE

(15) Le payeur à qui est signifiée une convocation à un interrogatoire sur sa situation financière ou la personne à qui est signifiée une assignation à témoigner à un tel interrogatoire reçoit un préavis d'au moins 10 jours des date, heure et lieu de l'interrogatoire.

TENUE ET ENREGISTREMENT DE L'INTERROGATOIRE

(16) L'interrogatoire sur la situation financière se fait sous serment ou affirmation solennelle en présence d'une personne choisie avec l'accord du payeur et du bénéficiaire ou conformément au paragraphe 20 (12) (autres dispositions pour l'interrogatoire), et il est enregistré par une méthode choisie de la même façon.

PORTÉE DE L'INTERROGATOIRE

(17) Au cours de l'interrogatoire sur la situation financière, le payeur ou l'autre personne peut être interrogé sur ce qui suit :

- a) la raison pour laquelle le payeur est en défaut;
- b) le revenu et les biens du payeur;
- c) les créances et les dettes du payeur;
- d) toute disposition de biens par le payeur avant ou après le prononcé de l'ordonnance à l'égard de laquelle il est en défaut;
- e) la capacité passée, actuelle et future du payeur d'effectuer les paiements prévus par l'ordonnance;
- f) la question de savoir si le payeur a l'intention d'observer l'ordonnance ou les raisons pour lesquelles il ne le fera pas, le cas échéant;
- g) toute autre question se rapportant à l'exécution de l'ordonnance.

RÉSISTANCE À L'INTERROGATOIRE

(18) Le paragraphe (19) s'applique si le payeur à qui est signifiée une convocation à un interrogatoire sur sa situation financière ou la personne à qui est signifiée une assignation à témoigner à un tel interrogatoire :

- a) soit ne se présente pas à l'interrogatoire comme l'exige la convocation ou l'assignation;
- b) soit ne signifie pas au bénéficiaire un état financier comme l'exige la convocation;
- c) soit se présente à l'interrogatoire, mais n'apporte pas les documents ou choses que précise la convocation ou l'assignation;
- d) soit se présente à l'interrogatoire, mais refuse de prêter serment, de faire une affirmation solennelle ou de répondre à une question.

NOUVEL INTERROGATOIRE

(19) Le tribunal peut, sur motion, rendre une ordonnance et donner des directives enjoignant au payeur ou à l'autre personne de se présenter à un autre interrogatoire sur sa situation financière et peut également l'obliger à fournir un cautionnement (formule 32).

IMPRISONMENT

(20) If a payor or other person, without sufficient excuse, fails to obey an order or direction made under subrule (19), the court may, on motion with special service (subrule 6 (3)), order that the payor or person be imprisoned continuously or intermittently for not more than 40 days.

IMPRISONMENT POWER IS ADDITIONAL

(21) The court may exercise its power under subrule (20) in addition to or instead of its power of forfeiture under rule 32 (bonds, recognizances and warrants).

FREQUENCY OF EXAMINATIONS

(22) A recipient may conduct only one financial examination of a payor and one financial examination of any other person in a six-month period, or more often with the court's permission.

RULE 28: SEIZURE AND SALE**ISSUE OF WRIT OF SEIZURE AND SALE**

28. (1) The clerk shall issue a writ of seizure and sale (Form 28) if a recipient files,

- (a) a request for a writ of seizure and sale (Form 28A); and
- (b) a statement of money owed (subrule 26 (3)).

STATUTORY DECLARATION TO CHANGE AMOUNT OWED

(2) The statutory declaration to sheriff mentioned in section 44 of the *Family Responsibility and Support Arrears Enforcement Act, 1996* shall be in Form 28B.

STATUTORY DECLARATION IF ORDER CHANGED

(3) If a court changes a payment order that is being enforced by a writ of seizure and sale, a statutory declaration to sheriff (Form 28B) may be filed with the sheriff and once filed, it has the same effect as a declaration mentioned in subrule (2).

DURATION OF WRIT

- (4) A writ of seizure and sale continues in effect until,
 - (a) the recipient withdraws it under subrule (7), whether because no money owed when the writ was issued or mentioned in a statutory declaration under subrule (2) or (3) remains owing or for some other reason; or
 - (b) the court orders otherwise under subrule (8).

WRIT ISSUED UNDER FORMER RULES

(5) A writ directing the sheriff to seize and sell a payor's property that was issued by the court under the rules that applied before these rules take effect shall be treated in every way as if it were a writ of seizure and sale issued under these rules.

NOTIFYING SHERIFF OF PAYMENT RECEIVED

- (6) If a writ of seizure and sale has been filed with a sheriff,
 - (a) the recipient shall, on the sheriff's request, provide a statutory declaration setting out details of all payments received by or on behalf of the recipient; and
 - (b) the sheriff shall update the writ accordingly.

EMPRISONNEMENT

(20) Si le payeur ou l'autre personne n'observe pas, sans motif valable, une ordonnance rendue ou une directive donnée en vertu du paragraphe (19), le tribunal peut, sur motion signifiée par voie de signification spéciale (paragraphe 6 (3)), ordonner son emprisonnement de façon continue ou intermittente pour une période ne dépassant pas 40 jours

POUVOIR SUPPLÉMENTAIRE

(21) Le tribunal peut exercer le pouvoir que lui confère le paragraphe (20) en plus ou au lieu du pouvoir de confiscation que lui confère la règle 32 (cautionnements, engagements et mandats).

FRÉQUENCE DES INTERROGATOIRES

(22) Le bénéficiaire peut procéder à un interrogatoire sur la situation financière d'un payeur et d'une autre personne une seule fois par période de six mois, ou plus souvent avec la permission du tribunal.

RÈGLE 28 : SAISIE-EXÉCUTION**BREF DE SAISIE-EXÉCUTION**

28. (1) Le greffier délivre un bref de saisie-exécution (formule 28) lorsqu'un bénéficiaire dépose :

- a) d'une part, une demande de bref de saisie-exécution (formule 28A);
- b) d'autre part, un état des sommes dues (paragraphe 26 (3)).

DÉCLARATION SOLENNELLE POUR MODIFIER LES SOMMES DUES

(2) La déclaration solennelle à déposer devant le shérif qui est mentionnée à l'article 44 de la *Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments* est rédigée selon la formule 28B.

DÉCLARATION SOLENNELLE EN CAS DE MODIFICATION D'UNE ORDONNANCE

(3) Si le tribunal modifie une ordonnance de paiement qui est exécutée par un bref de saisie-exécution, une déclaration solennelle (formule 28B) peut être déposée auprès du shérif, après quoi elle a le même effet que la déclaration mentionnée au paragraphe (2).

DURÉE DU BREF

- (4) Le bref de saisie-exécution demeure en vigueur jusqu'au moment où :
 - a) soit le bénéficiaire le retire aux termes du paragraphe (7), que ce soit parce que la somme qui était due au moment de la délivrance du bref ou qui est précisée dans la déclaration solennelle prévue au paragraphe (2) ou (3) demeure impayée ou pour une autre raison;
 - b) soit le tribunal ordonne autrement en vertu du paragraphe (8).

BREF DÉLIVRÉ AUX TERMES DES RÈGLES ANTÉRIEURES

(5) Le bref qui ordonne au shérif de saisir-exécuter les biens du payeur et que le tribunal a délivré aux termes des règles qui s'appliquaient avant l'entrée en vigueur des présentes règles est traité à tous égards comme il s'agissait d'un bref de saisie-exécution délivré aux termes de celles-ci.

REMISE DE L'AVIS DE PAIEMENT AU SHÉRIF

- (6) Si un bref de saisie-exécution est déposé auprès du shérif :
 - a) le bénéficiaire dépose, à la demande du shérif, une déclaration solennelle dans laquelle il donne des précisions sur tous les paiements reçus par lui ou en son nom;
 - b) le shérif modifie le bref en conséquence.

WITHDRAWING WRIT

(7) The person who obtained a writ to enforce an order shall immediately withdraw it from every sheriff's office where it has been filed if,

- (a) the person no longer wants to enforce the order by a writ;
- (b) in the case of a payment order, the payor's obligation to make periodic payments under the order has ended and all other amounts owing under it have been paid; or
- (c) in the case of any other order, the person against whom the writ was issued has obeyed the order.

ORDER CHANGING, WITHDRAWING OR SUSPENDING WRIT

(8) The court may, on motion, make an order changing the terms of a writ, withdrawing it or temporarily suspending it, even if the writ was issued by another court in Ontario.

SERVICE OF ORDER

(9) The person making the motion, or another person named by the court, shall serve a copy of the order on,

- (a) every sheriff in whose office the writ has been filed; and
- (b) if the writ was issued by the court in another place, or by another court, on the clerk of the court in the other place or the clerk of the other court.

WRIT OF TEMPORARY SEIZURE OF PROPERTY

(10) The court may, on motion with special service (subrule 6 (3)), give permission to issue a writ of temporary seizure (Form 28C) directing the sheriff to take possession of and hold all or part of the land and other property of a person against whom an order has been made and to hold any income from the property until the person obeys the order.

RULE 29: GARNISHMENT**ISSUE OF NOTICE OR NOTICES OF GARNISHMENT**

29. (1) The clerk shall issue as many notices of garnishment (Form 29A or 29B) as a recipient requests if the recipient files,

- (a) a request for garnishment (Form 29) or an extra-provincial garnishment process referred to in section 50 of the *Family Responsibility and Support Arrears Enforcement Act, 1996*; and
- (b) a statement of money owed (subrule 26 (5)).

ONE RECIPIENT AND ONE GARNISHEE PER NOTICE

(2) Each notice of garnishment shall name only one recipient and one garnishee.

SERVICE ON PAYOR AND GARNISHEE

(3) The notice of garnishment shall be served on the payor and on the garnishee but the payor shall, in addition, be served with the documents filed under subrule (1).

EFFECT OF NOTICE OF GARNISHMENT

- (4) A notice of garnishment attaches,
 - (a) every debt that is payable by the garnishee to the payor at the time the notice is served; and
 - (b) every debt that is payable by the garnishee to the payor,

RETRAIT D'UN BREF

(7) La personne qui a obtenu un bref d'exécution d'une ordonnance le retire immédiatement de tout bureau de shérif où elle l'a déposé lorsque l'une des situations suivantes se présente :

- a) elle ne désire plus faire exécuter l'ordonnance au moyen d'un bref;
- b) dans le cas d'une ordonnance de paiement, l'obligation du payeur d'effectuer des paiements périodiques aux termes de l'ordonnance a pris fin et toutes les autres sommes dues aux termes de celle-ci ont été payées;
- c) dans le cas d'une autre ordonnance, la personne contre qui le bref a été délivré a observé celle-ci.

ORDONNANCE VISANT À MODIFIER, À RETIRER OU À SUSPENDRE UN BREF

(8) Le tribunal peut, sur motion, rendre une ordonnance modifiant les conditions d'un bref, le retirant ou le suspendant temporairement même s'il a été délivré par un autre tribunal de l'Ontario.

SIGNIFICATION DE L'ORDONNANCE

(9) La personne qui présente la motion ou l'autre personne que désigne le tribunal signifie une copie de l'ordonnance :

- a) à chaque shérif dans le bureau duquel le bref a été déposé;
- b) s'il a été délivré par le tribunal d'un autre endroit ou un autre tribunal, au greffier du tribunal de l'autre endroit ou de l'autre tribunal.

BREF DE SAISIE TEMPORAIRE DE BIENS

(10) Le tribunal peut, sur motion présentée par voie de signification spéciale (paragraphe 6 (3)), accorder la permission de délivrer un bref de saisie temporaire (formule 28C) ordonnant au shérif de prendre possession de tout ou partie des biens-fonds et autres biens de la personne contre qui une ordonnance a été rendue et de les détenir ainsi que tout revenu provenant d'eux jusqu'à ce que la personne observe l'ordonnance.

RÈGLE 29 : SAISIE-ARRÊT**DÉLIVRANCE D'AVIS DE SAISIE-ARRÊT**

29. (1) Le greffier délivre autant d'avis de saisie-arrêt (formule 29A ou 29B) que lui demande le bénéficiaire qui dépose :

- a) d'une part, une demande de saisie-arrêt (formule 29) ou une demande de bref de saisie-arrêt extraprovincial mentionnée à l'article 50 de la *Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments*;
- b) d'autre part, un état des sommes dues (paragraphe 26 (5)).

UN BÉNÉFICIAIRE ET UN TIERS SAISI PAR AVIS

(2) Chaque avis de saisie-arrêt désigne un seul bénéficiaire et un seul tiers saisi.

SIGNIFICATION AU PAYEUR ET AU TIERS SAISI

(3) L'avis de saisie-arrêt est signifié au payeur et au tiers saisi. Toutefois, le payeur reçoit également signification des documents déposés aux termes du paragraphe (1).

EFFET DE L'AVIS DE SAISIE-ARRÊT

- (4) L'avis de saisie-arrêt vise :
 - a) d'une part, chaque dette dont le tiers saisi est redevable au payeur au moment de la signification de l'avis;
 - b) d'autre part, chaque dette dont le tiers saisi est redevable au payeur :

- (i) after the notice is served, or
- (ii) on the fulfilment of a condition after the notice is served.

DURATION

(5) The notice of garnishment continues in effect from the time of service on the garnishee until it is withdrawn or stopped under this rule or until the court orders otherwise under this rule.

GARNISHEE BANK, TRUST COMPANY, ETC.

(6) If the garnishee is a bank, trust corporation, loan corporation, credit union, caisse populaire, the Province of Ontario Savings Office or a similar institution,

- (a) the notice of garnishment shall be served at the branch where the debt to the payor is payable; and
- (b) subrules (4) and (5) do not apply to money in an account opened after the notice of garnishment is served.

JOINT DEBTS GARNISHABLE

(7) Subrules (4) and (5) also apply to debts owed to the payor and another person jointly.

PROCEDURE WHEN JOINT DEBT GARNISHED

(8) If a garnishee has been served with a notice of garnishment and the garnishee owes a debt to which subrules (4) and (5) apply to the payor and another person jointly,

- (a) the garnishee shall pay, in accordance with subrule (11), half of the debt, or the larger or smaller amount that the court orders;
- (b) the garnishee shall immediately send the other person a notice to co-owner of debt (Form 29C) by mail, fax or electronic mail, to the person's address in the garnishee's records; and
- (c) the garnishee shall immediately serve the notice to co-owner of debt on the recipient or the Director, depending on who is enforcing the order, and on the sheriff or clerk if the sheriff or clerk is to receive the money under subrule (11) or (12).

JOINT DEBT—MONEY TO BE HELD

(9) Despite subrule (12), if served with notice under clause (8) (c), the sheriff, clerk or Director shall hold the money received for 30 days, and may pay it out when the 30 days expire, unless the other person serves and files a dispute within the 30 days.

PAYMENT OF ARREARS DOES NOT END GARNISHMENT

(10) A notice of garnishment continues to attach future periodic payments even though the total amount owed when it was served is fully paid up.

PERSONS TO WHOM GARNISHEE MAKES PAYMENTS

(11) A garnishee who has been served with a notice of garnishment shall make the required payments to,

- (a) the Director, if the notice of garnishment relates to an order being enforced by the Director;
- (b) the clerk, if the notice of garnishment does not relate to an order being enforced by the Director.

CLERK OR DIRECTOR TO PAY OUT MONEY

(12) On receiving money under a notice of garnishment, the Director or clerk shall, even if a dispute has been filed, but subject to subrules (9) and (13), immediately pay,

- (i) soit après la signification de l'avis,
- (ii) soit à la réalisation d'une condition après la signification de l'avis.

DURÉE

(5) L'avis de saisie-arrêt est en vigueur depuis sa signification jusqu'à son retrait ou sa suspension ou jusqu'à ce que le tribunal ordonne autrement en vertu de la présente règle.

BANQUES, SOCIÉTÉS DE FIDUCIE ET AUTRES INSTITUTIONS

(6) Si le tiers saisi est une banque, une société de fiducie ou de prêt, une *credit union*, une caisse populaire, la Caisse d'épargne de l'Ontario ou une institution semblable :

- a) l'avis de saisie-arrêt est signifié à la succursale où la créance est exigible;
- b) les paragraphes (4) et (5) ne s'appliquent pas aux sommes se trouvant dans un compte qui est ouvert après la signification de l'avis.

CRÉANCES CONJOINTES SAISSISSABLES

(7) Les paragraphes (4) et (5) s'appliquent également aux créances exigibles conjointement par le payeur et une autre personne.

SAISIE DE CRÉANCES CONJOINTES SAISSISSABLES

(8) Si le tiers saisi a reçu signification d'un avis de saisie-arrêt et que la créance à laquelle s'appliquent les paragraphes (4) et (5) est exigible conjointement par le payeur et une autre personne :

- a) le tiers saisi paie, conformément au paragraphe (11), la moitié de la dette ou la somme supérieure ou inférieure que fixe le tribunal;
- b) le tiers saisi envoie immédiatement à l'autre personne un avis aux cotitulaires de créances (formule 29C), par la poste, par télécopie ou par courrier électronique, à l'adresse figurant dans ses dossiers;
- c) le tiers saisi signifie immédiatement l'avis au cotitulaire de la créance au bénéficiaire ou au directeur, selon celui des deux qui exécute l'ordonnance, ainsi qu'au shérif ou au greffier, si l'un ou l'autre doit recevoir la somme prévue au paragraphe (11) ou (12).

CRÉANCE CONJOINTE — CONSERVATION DES SOMMES REÇUES

(9) Malgré le paragraphe (12), le shérif, le greffier ou le directeur à qui est signifié l'avis prévu à l'alinéa (8) c) conserve la somme reçue pendant 30 jours. Il peut la verser après l'expiration de ce délai, sauf si l'autre personne signifie et dépose une contestation entre-temps.

NON-ANNULATION DE LA SAISIE-ARRÊT

(10) L'avis de saisie-arrêt vise les paiements périodiques futurs même si la créance totale au moment de la signification de l'avis a été payée en entier.

DESTINATAIRES DES PAIEMENTS

(11) Le tiers saisi qui a reçu signification d'un avis de saisie-arrêt fait les paiements exigés :

- a) au directeur, si l'avis de saisie-arrêt se rapporte à une ordonnance qu'exécute le directeur;
- b) au greffier, si l'avis de saisie-arrêt ne se rapporte pas à une ordonnance qu'exécute le directeur.

VERSEMENT PAR LE GREFFIER OU LE DIRECTEUR

(12) Lorsqu'il reçoit une somme aux termes d'un avis de saisie-arrêt et même si une contestation a été déposée, le directeur ou le greffier, sous réserve des paragraphes (9) et (13), fait immédiatement ce qui suit

(a) to the recipient, any part of the money that comes within the priority created by subsection 4 (1) of the *Creditors' Relief Act*; and

(b) to the sheriff, any part of the money that exceeds that priority.

ORDER THAT SUBRULE (12) DOES NOT APPLY

(13) The court may, at a garnishment hearing or on a motion to change the garnishment under this rule, order that subrule (12) does not apply.

CHANGE IN GARNISHMENT, INDEXED SUPPORT

(14) If a notice of garnishment enforces a support order that indexes periodic payments for inflation, the recipient may serve on the garnishee and on the payor a statutory declaration of indexed support (Form 29D) setting out the new amount to be paid under the order, and file the declaration with the court.

EFFECT OF STATUTORY DECLARATION OF INDEXED SUPPORT

(15) A statutory declaration of indexed support requires the garnishee to pay the new amount set out in the declaration from the time it is served on the garnishee.

GARNISHMENT DISPUTE

(16) Within 10 days after being served with a notice of garnishment or a statutory declaration of indexed support, a payor, garnishee or co-owner of a debt may serve on the other parties and file a dispute (Form 29E, 29F or 29G).

NOTICE OF GARNISHMENT HEARING

(17) The clerk shall, on request, issue a notice of garnishment hearing (Form 29H),

(a) within 10 days after a dispute is served and filed; or

(b) if the recipient says that the garnishee has not paid any money or has not paid enough money.

SERVICE OF NOTICE

(18) The clerk shall serve and file the notice not later than 10 days before the hearing.

GARNISHMENT HEARING

(19) At a garnishment hearing, the court may make one or more of the following temporary or final orders:

1. An order dismissing the dispute.
2. An order that changes how much is being garnished on account of a periodic payment order and that, at the same time, changes the payment order itself. However, the court may exercise this power only if,
 - i. the payment order is one that the court has the authority to change, and
 - ii. the parties to the payment order agree to the change, or one of those parties has served and filed notice of a motion to have the change made.
3. An order changing how much is being garnished on account of a non-periodic payment order.
4. An order suspending the garnishment or any term of it, while the hearing is adjourned or until the court orders otherwise.

a) il verse au bénéficiaire toute fraction de la somme à laquelle le paragraphe 4 (1) de la *Loi sur le désintéressement des créanciers* donne priorité;

b) il verse au shérif toute fraction de la somme en sus.

ORDONNANCE DE NON-APPLICATION DU PARAGRAPHE (12)

(13) Lors d'une audience sur la saisie-arrêt ou sur motion en modification de la saisie-arrêt prévue par la présente règle, le tribunal peut ordonner que le paragraphe (12) ne s'applique pas.

MODIFICATION DE LA SAISIE-ARRÊT : ALIMENTS INDEXÉS

(14) Si un avis de saisie-arrêt exécute une ordonnance alimentaire qui prévoit l'indexation des paiements périodiques pour tenir compte de l'inflation, le bénéficiaire peut signifier au tiers saisi et au payeur une déclaration solennelle sur l'indexation des aliments (formule 29D) qui précise la nouvelle somme qui doit être versée aux termes de l'ordonnance et peut déposer la déclaration auprès du tribunal.

EFFET DE LA DÉCLARATION SOLENNELLE SUR L'INDEXATION DES ALIMENTS

(15) La déclaration solennelle sur l'indexation des aliments exige du tiers saisi qu'il verse, dès sa signification, la nouvelle somme qui y est précisée.

CONTESTATION DE LA SAISIE-ARRÊT

(16) Au plus tard 10 jours après qu'un avis de saisie-arrêt ou une déclaration solennelle sur l'indexation des aliments lui est signifié, le payeur, le tiers saisi ou le cotitulaire de la créance peut signifier une contestation (formule 29E, 29F ou 29G) aux autres parties et la déposer.

AVIS D'AUDIENCE SUR LA SAISIE-ARRÊT

(17) Le greffier délivre, sur demande, un avis d'audience sur la saisie-arrêt (formule 29H):

a) soit au plus tard 10 jours après la signification et le dépôt d'une contestation;

b) soit dans les cas où le bénéficiaire soutient que le tiers saisi n'a rien payé ou n'a pas assez payé.

SIGNIFICATION DE L'AVIS

(18) Le greffier signifie et dépose l'avis au plus tard 10 jours avant la tenue de l'audience.

AUDIENCE SUR LA SAISIE-ARRÊT

(19) Lors d'une audience sur une saisie-arrêt, le tribunal peut rendre une ou plusieurs des ordonnances temporaires ou définitives suivantes :

1. Une ordonnance rejetant la contestation.
2. Une ordonnance modifiant la somme qui est saisie par paiements périodiques prévus par une ordonnance de paiement et modifiant en même temps l'ordonnance de paiement elle-même. Toutefois, le tribunal ne peut exercer ce pouvoir que si :
 - i. d'une part, il a le pouvoir de modifier l'ordonnance de paiement,
 - ii. d'autre part, les parties à l'ordonnance de paiement sont d'accord avec la modification ou l'une d'entre elles a signifié et déposé un avis de motion la demandant.
3. Une ordonnance modifiant la somme qui est saisie par paiements non périodiques prévus par une ordonnance de paiement.
4. Une ordonnance suspendant la saisie-arrêt ou toute condition de celle-ci pendant l'ajournement de l'audience ou jusqu'à ordonnance contraire du tribunal.

5. An order setting aside the notice of garnishment or any statutory declaration of indexed support.
6. An order that garnished money held or received by the clerk, Director or sheriff be held in court.
7. An order that garnished money that has been paid out in error to the recipient be paid into and held in court, returned to the garnishee or sent to the payor or to the co-owner of the debt.
8. An order that garnished money held in court be returned to the garnishee or be sent to the payor, the co-owner of the debt, the sheriff, the clerk or the Director.
9. An order deciding how much remains owing under a payment order that is being enforced by garnishment against the payor or garnishee.
10. If the garnishee has not paid what was required by the notice of garnishment or statutory declaration of indexed support, an order that the garnishee pay all or part of what was required.
11. An order deciding who is entitled to the costs of the garnishment hearing and setting the amount of the costs.

CHANGING GARNISHMENT AT OTHER TIMES

(20) The court may also use the powers listed in subrule (19), on motion or on its own initiative, even if the notice of garnishment was issued by another court,

- (a) on a motion under section 7 of the *Wages Act*;
- (b) if the court replaces a temporary payment order with a final payment order;
- (c) if the court indexes or changes a payment order; or
- (d) if the court allows an appeal.

CHANGING GARNISHMENT WHEN ABILITY TO PAY CHANGES

(21) If there has been a material change in the payor's circumstances affecting the payor's ability to pay, the court may, on motion, use the powers listed in subrule (19).

GARNISHEE'S PAYMENT PAYS DEBT

(22) Payment of a debt by a garnishee under a notice of garnishment or statutory declaration of indexed support pays off the debt between the garnishee and the payor to the extent of the payment.

NOTICE BY GARNISHEE—PAYOR NOT WORKING OR RECEIVING MONEY

(23) Within 10 days after a payor stops working for or is no longer receiving any money from a garnishee, the garnishee shall send a notice as subrule (27) requires,

- (a) saying that the payor is no longer working for or is no longer receiving any money from the garnishee;
- (b) giving the date on which the payor stopped working for or receiving money from the garnishee and the date of the last payment to the payor from the garnishee; and
- (c) giving the name and address of any other income source of the payor, if known.

5. Une ordonnance annulant l'avis de saisie-arrêt ou toute déclaration solennelle sur l'indexation des aliments.
6. Une ordonnance portant que la somme saisie que détient ou reçoit le greffier, le directeur ou le shérif soit conservée au tribunal.
7. Une ordonnance portant que la somme saisie qui a été versée par erreur au bénéficiaire soit consignée au tribunal et y soit conservée, soit retournée au tiers saisi ou soit versée au payeur ou au cotitulaire de la créance.
8. Une ordonnance portant que la somme saisie qui est conservée au tribunal soit retournée au tiers saisi ou versée au payeur, au cotitulaire de la créance, au shérif, au greffier ou au directeur.
9. Une ordonnance fixant la somme qui reste à payer aux termes d'une ordonnance de paiement exécutée par voie de saisie-arrêt contre le payeur ou le tiers saisi.
10. Si le tiers saisi n'a pas payé la somme exigée par l'avis de saisie-arrêt ou la déclaration solennelle sur l'indexation des aliments, une ordonnance lui enjoignant de payer tout ou partie de cette somme.
11. Une ordonnance précisant qui a droit aux dépens de l'audience sur la saisie-arrêt et en fixant le montant.

MODIFICATION DE LA SAISIE-ARRÊT EN D'AUTRES CIRCONSTANCES

(20) Le tribunal peut également exercer les pouvoirs énumérés au paragraphe (19), sur motion ou de sa propre initiative, même si l'avis de saisie-arrêt a été délivré par un autre tribunal, si, selon le cas :

- a) une motion est présentée aux termes de l'article 7 de la *Loi sur les salaires*;
- b) il remplace une ordonnance de paiement temporaire par une ordonnance de paiement définitive;
- c) il indexe ou modifie une ordonnance de paiement;
- d) il accueille un appel.

MODIFICATION DE LA SAISIE-ARRÊT EN CAS DE CHANGEMENT DANS LA CAPACITÉ DE PAYER

(21) S'il survient un changement important dans la situation du payeur qui influe sur sa capacité de payer, le tribunal peut, sur motion, exercer les pouvoirs énumérés au paragraphe (19).

PAIEMENT DE LA DETTE

(22) Le paiement d'une dette par le tiers saisi aux termes d'un avis de saisie-arrêt ou d'une déclaration solennelle sur l'indexation des aliments liquide la dette du tiers saisi envers le payeur jusqu'à concurrence du paiement.

AVIS DU TIERS SAISI LORSQUE LE PAYEUR CESSE DE TRAVAILLER POUR LUI

(23) Au plus tard 10 jours après que le payeur cesse de travailler pour lui ou de recevoir de l'argent de lui, le tiers saisi envoie un avis, comme l'exige le paragraphe (27), indiquant ce qui suit :

- a) le fait que le payeur ne travaille plus pour le tiers saisi ou qu'il ne reçoit plus d'argent de lui;
- b) la date à laquelle le payeur a cessé de travailler pour le tiers saisi ou de recevoir de l'argent de lui et celle du dernier paiement que le tiers saisi lui a fait;
- c) les nom et adresse de toute autre source de revenu du payeur, si le tiers saisi les connaît.

NOTICE BY GARNISHEE—PAYOR WORKING OR RECEIVING MONEY AGAIN

(24) Within 10 days after the payor returns to work for or starts to receive money again from the garnishee, the garnishee shall send another notice as subrule (27) requires, saying that the payor has returned to work for or started to receive money again from the garnishee.

NOTICE BY PAYOR—WORKING OR RECEIVING MONEY AGAIN

(25) Within 10 days after returning to work for or starting to receive money again from the garnishee, the payor shall send a notice as subrule (27) requires, saying that the payor has returned to work for or started to receive money again from the garnishee.

NOTICE BY PAYOR—NEW INCOME SOURCE

(26) Within 10 days after starting to work for or receive money from a new income source, the payor shall send a notice as subrule (27) requires, saying that the payor has started to work for or to receive money from the new income source.

NOTICE SENT TO CLERK AND RECIPIENT OR DIRECTOR

(27) A notice referred to in subrule (23), (24), (25) or (26) shall be sent to the clerk, and to the recipient or the Director (depending on who is enforcing the order), by mail, fax or electronic mail.

NOTICE BY CLERK

(28) When the clerk receives a notice under subrule (26), the clerk shall immediately notify the recipient or the Director (depending on who is enforcing the order) by mail, fax or electronic mail.

NEW NOTICE OF GARNISHMENT

(29) If no written objection is received within 10 days, the clerk shall,

- (a) issue a new notice of garnishment directed to the new garnishee, requiring the same deductions as were required to be made, under the previous notice of garnishment or statutory declaration of indexed support, on the day that the notice under subrule (26) was received; and
- (b) send a copy of the new notice of garnishment to the payor and the new garnishee, by mail, fax or electronic mail.

EFFECT OF NEW NOTICE OF GARNISHMENT

(30) Issuing a new notice of garnishment under clause (29) (a) does not cancel any previous notice of garnishment or statutory declaration of indexed support.

NOTICE TO STOP GARNISHMENT

(31) The recipient shall immediately mail a notice to stop garnishment (Form 29I) to the garnishee and payor and file it with the clerk if,

- (a) the recipient no longer wants to enforce the order by garnishment; or
- (b) the requirement to make periodic payments under the order has ended and all other amounts owing under the order have been paid.

OLD ORDERS

(32) This rule applies, with necessary changes, to,

AVIS DU TIERS SAISI LORSQUE LE PAYEUR RECOMMENCE À TRAVAILLER POUR LUI

(24) Au plus tard 10 jours après que le payeur recommence à travailler pour lui ou à recevoir de l'argent de lui, le tiers saisi envoie un avis à cet effet, comme l'exige le paragraphe (27).

AVIS DU PAYEUR LORSQU'IL RECOMMENCE À TRAVAILLER POUR LE TIERS SAISI

(25) Au plus tard 10 jours après qu'il recommence à travailler pour le tiers saisi ou à recevoir de l'argent de lui, le payeur envoie un avis à cet effet, comme l'exige le paragraphe (27).

AVIS DU PAYEUR LORSQU'IL COMMENCE À TRAVAILLER POUR UNE NOUVELLE SOURCE DE REVENU

(26) Au plus tard 10 jours après qu'il commence à travailler pour une nouvelle source de revenu ou à recevoir de l'argent d'une nouvelle source de revenu, le payeur envoie un avis à cet effet, comme l'exige le paragraphe (27).

ENVOI DE L'AVIS AU GREFFIER ET AU BÉNÉFICIAIRE OU AU DIRECTEUR

(27) L'avis mentionné au paragraphe (23), (24), (25) ou (26) est envoyé au greffier et au bénéficiaire ou au directeur, selon celui des deux qui exécute l'ordonnance, par la poste, par télécopie ou par courrier électronique.

AVIS DONNÉ PAR LE GREFFIER

(28) Lorsqu'il reçoit l'avis mentionné au paragraphe (26), le greffier en avise immédiatement le bénéficiaire ou le directeur, selon celui des deux qui exécute l'ordonnance, par la poste, par télécopie ou par courrier électronique.

NOUVEL AVIS DE SAISIE-ARRÊT

(29) Si aucune opposition écrite n'est reçue dans les 10 jours, le greffier fait ce qui suit :

- a) il délivre un nouvel avis de saisie-arrêt à l'intention du nouveau tiers saisi exigeant les mêmes retenues que celles qui étaient exigées, aux termes de l'avis de saisie-arrêt précédent ou de la déclaration solennelle sur l'indexation des aliments précédente, le jour où il a reçu l'avis mentionné au paragraphe (26);
- b) il envoie un nouvel avis de saisie-arrêt au payeur et au nouveau tiers saisi par la poste, par télécopie ou par courrier électronique.

EFFET DU NOUVEL AVIS DE SAISIE-ARRÊT

(30) La délivrance d'un nouvel avis de saisie-arrêt aux termes de l'alinéa (29) a) n'a pas pour effet d'annuler les avis de saisie-arrêt ou les déclarations solennelles sur l'indexation des aliments précédents.

AVIS DE SUSPENSION DE LA SAISIE-ARRÊT

(31) Le bénéficiaire envoie immédiatement par la poste un avis de suspension de la saisie-arrêt (formule 29I) au tiers saisi et au payeur et le dépose auprès du greffier si, selon le cas :

- a) il ne désire plus faire exécuter l'ordonnance au moyen d'une saisie-arrêt;
- b) l'obligation d'effectuer des paiements périodiques aux termes de l'ordonnance a pris fin et toutes les sommes dues aux termes de celle-ci ont été payées.

ORDONNANCES ANTÉRIEURES

(32) La présente règle s'applique, avec les adaptations nécessaires, aux ordonnances suivantes :

- (a) an attachment order made under section 30 of the *Family Law Reform Act* (chapter 152 of the Revised Statutes of Ontario, 1980); and
- (b) a garnishment order issued by the court under the rules that were in effect before January 1, 1985.

RULE 30: DEFAULT HEARING**ISSUING NOTICE OF DEFAULT HEARING**

30. (1) The clerk shall issue a notice of default hearing (Form 30),

- (a) if the support order is being enforced by the recipient, when the recipient files a request for a default hearing (Form 30A) and a statement of money owed (subrule 26 (5));
- (b) if it is being enforced by the Director, when the Director files a statement of money owed.

SERVING NOTICE OF DEFAULT HEARING

(2) The notice of default hearing shall be served on the payor by special service (subrule 6 (3)) and filed.

PAYOR'S DISPUTE

(3) Within 10 days after being served with the notice, the payor shall serve on the recipient and file,

- (a) a financial statement (Form 13); and
- (b) a default dispute (Form 30B).

UPDATING STATEMENT OF MONEY OWED

(4) The recipient shall serve and file a new statement of money owed (subrule 26 (5)) not more than seven days before the default hearing.

WHEN DIRECTOR TO UPDATE STATEMENT

(5) Despite subrule 26 (10), subrule (4) applies to the Director only if,

- (a) the amount the Director is asking the court to enforce is greater than the amount shown in the notice of default hearing; or
- (b) the court directs it.

STATEMENT OF MONEY OWED PRESUMED CORRECT

(6) The payor is presumed to admit that the recipient's statement of money owed is correct, unless the payor has filed a default dispute stating that the statement of money owed is not correct and giving detailed reasons.

ARREARS ENFORCEABLE TO DATE OF HEARING

(7) At the default hearing, the court may decide and enforce the amount owing as of the date of the hearing.

CONDITIONAL IMPRISONMENT

(8) The court may make an order under clause 41 (9) (g) or (h) of the *Family Responsibility and Support Arrears Enforcement Act, 1996*, suspending the payor's imprisonment on appropriate conditions.

ISSUING WARRANT OF COMMITTAL

(9) If the recipient, on a motion with special service (subrule 6 (3)) on the payor, states by affidavit (or by oral evidence, with the court's permission) that the payor has not obeyed a condition that was imposed under subrule (8), the court may issue a warrant of committal against the payor, subject to subsection 41 (13) (variation of order) of the *Family Responsibility and Support Arrears Enforcement Act, 1996*.

a) une ordonnance de saisie rendue en vertu de l'article 30 de la loi intitulée *Family Law Reform Act*, qui constitue le chapitre 152 des Lois refondues de l'Ontario de 1980;

b) une ordonnance de saisie-arrêt rendue par le tribunal aux termes des règles qui étaient en vigueur avant le 1^{er} janvier 1985.

RÈGLE 30 : AUDIENCE SUR LE DÉFAUT**DÉLIVRANCE D'UN AVIS D'AUDIENCE SUR LE DÉFAUT**

30. (1) Le greffier délivre un avis d'audience sur le défaut (formule 30) :

- a) lorsque le bénéficiaire dépose une demande d'audience sur le défaut (formule 30A) et un état des sommes dues (paragraphe 26 (5)), si l'ordonnance alimentaire est exécutée par lui;
- b) lorsque le directeur dépose un état des sommes dues, si l'ordonnance alimentaire est exécutée par lui.

SIGNIFICATION DE L'AVIS D'AUDIENCE SUR LE DÉFAUT

(2) L'avis d'audience sur le défaut est signifié au payeur par voie de signification spéciale (paragraphe 6 (3)) et déposé.

CONTESTATION PAR LE PAYEUR

(3) Au plus tard 10 jours après que l'avis lui est signifié, le payeur signifie au bénéficiaire et dépose ce qui suit :

- a) un état financier (formule 13);
- b) une contestation du défaut (formule 30B).

MISE À JOUR DE L'ÉTAT DES SOMMES DUES

(4) Le bénéficiaire signifie et dépose un nouvel état des sommes dues (paragraphe 26 (5)) au plus tard sept jours avant la tenue de l'audience sur le défaut.

MISE À JOUR PAR LE DIRECTEUR

(5) Malgré le paragraphe 26 (10), le paragraphe (4) s'applique au directeur uniquement dans l'un ou l'autre des cas suivants :

- a) la somme que le directeur demande au tribunal d'exécuter est supérieure à celle qui figure dans l'avis d'audience sur le défaut;
- b) le tribunal ordonne qu'il en soit ainsi.

ÉTAT DES SOMMES DUES PRÉSUMÉ EXACT

(6) Le payeur est présumé admettre l'exactitude de l'état des sommes dues signifié et déposé par le bénéficiaire à moins qu'il n'ait déposé une contestation du défaut attestant que l'état est inexact et en donnant les raisons détaillées.

ARRIÉRE EXÉCUTOIRE À LA DATE DE L'AUDIENCE

(7) Lors de l'audience sur le défaut, le tribunal peut fixer et exécuter la somme qui est due à la date de l'audience.

EMPRISONNEMENT CONDITIONNEL

(8) Le tribunal peut, en vertu de l'alinéa 41 (9) g) ou h) de la *Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments*, rendre une ordonnance suspendant l'emprisonnement du payeur aux conditions appropriées.

MANDAT D'INCARCÉRATION

(9) Si, sur motion présentée par voie de signification spéciale (paragraphe 6 (3)) au payeur, le bénéficiaire atteste par affidavit (ou par témoignage oral, avec la permission du tribunal) que le payeur n'a pas respecté une condition imposée en vertu du paragraphe (8), le tribunal peut décerner un mandat d'incarcération contre le payeur, sous réserve du paragraphe 41 (13) (modification de l'ordonnance) de la *Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments*.

RULE 31: CONTEMPT OF COURT**WHEN CONTEMPT MOTION AVAILABLE**

31. (1) An order, other than a payment order, may be enforced by a contempt motion made in the case in which the order was made, even if another penalty is available.

NOTICE OF CONTEMPT MOTION

(2) The notice of contempt motion (Form 31) shall be served together with a supporting affidavit, by special service as provided in clause 6 (3) (a), unless the court orders otherwise.

AFFIDAVIT FOR CONTEMPT MOTION

(3) The supporting affidavit may contain statements of information that the person signing the affidavit learned from someone else, but only if the requirements of subrule 14 (19) are satisfied.

WARRANT TO BRING TO COURT

(4) To bring before the court a person against whom a contempt motion is made, the court may issue a warrant for the person's arrest if,

- (a) the person's attendance is necessary in the interest of justice; and
- (b) the person is not likely to attend voluntarily.

CONTEMPT ORDERS

(5) If the court finds a person in contempt of the court, it may order that the person,

- (a) be imprisoned for any period and on any conditions that are just;
- (b) pay a fine in any amount that is appropriate;
- (c) pay an amount to a party as a penalty;
- (d) do anything else that the court decides is appropriate;
- (e) not do what the court forbids;
- (f) pay costs in an amount decided by the court; and
- (g) obey any other order.

WRIT OF TEMPORARY SEIZURE

(6) The court may also give permission to issue a writ of temporary seizure (Form 28C) against the person's property.

LIMITED IMPRISONMENT OR FINE

(7) In a contempt order under one of the following provisions, the period of imprisonment and the amount of a fine may not be greater than the relevant Act allows:

1. Section 38 of the *Children's Law Reform Act*.
2. Section 49 of the *Family Law Act*.
3. Section 53 of the *Family Responsibility and Support Arrears Enforcement Act, 1996*.

CONDITIONAL IMPRISONMENT OR FINE

(8) A contempt order for imprisonment or for the payment of a fine may be suspended on appropriate conditions.

ISSUING WARRANT OF COMMITTAL

(9) If a party, on a motion with special service (subrule 6 (3)) on the person in contempt, states by an affidavit in Form 32C (or by oral evidence, with the court's permission) that the person has not obeyed a

RÈGLE 31 : OUTRAGE AU TRIBUNAL**MOTION POUR OUTRAGE**

31. (1) Une ordonnance, autre qu'une ordonnance de paiement, peut être exécutée par une motion pour outrage présentée dans la cause dans laquelle l'ordonnance a été rendue, même si une autre peine peut être imposée.

AVIS DE MOTION POUR OUTRAGE

(2) Sauf ordonnance contraire du tribunal, l'avis de motion pour outrage (formule 31) est signifié, avec un affidavit à l'appui, par voie de signification spéciale conformément à l'alinéa 6 (3) a).

AFFIDAVIT À L'APPUI D'UNE MOTION POUR OUTRAGE

(3) L'affidavit à l'appui de la motion peut contenir des renseignements que le signataire de l'affidavit a obtenus d'une autre personne, mais seulement s'il est satisfait aux exigences du paragraphe 14 (19).

MANDAT D'AMENER

(4) Le tribunal qui veut amener devant lui une personne contre laquelle une motion pour outrage est présentée peut décerner contre la personne un mandat d'arrêt si :

- a) d'une part, sa présence est nécessaire dans l'intérêt de la justice;
- b) d'autre part, elle n'est pas susceptible de se présenter de son plein gré.

ORDONNANCES POUR OUTRAGE

(5) S'il déclare une personne coupable d'outrage à son égard, le tribunal peut ordonner qu'elle :

- a) soit emprisonnée pour toute période et à toutes conditions jugées équitables;
- b) paie une amende appropriée;
- c) verse une somme à une partie à titre de pénalité;
- d) fasse toute autre chose que le tribunal juge appropriée;
- e) ne fasse pas ce que le tribunal lui défend de faire;
- f) paie les dépens que fixe le tribunal;
- g) observe toute autre ordonnance.

BREF DE SAISIE TEMPORAIRE

(6) Le tribunal peut également accorder la permission de délivrer un bref de saisie temporaire (formule 28C) des biens de la personne.

PEINE D'EMPRISONNEMENT OU AMENDE MAXIMALE

(7) Dans une ordonnance pour outrage rendue en vertu de l'une ou l'autre des dispositions suivantes, la peine d'emprisonnement ou l'amende ne peut dépasser ce que permet la loi pertinente :

1. L'article 38 de la *Loi sur la réforme du droit de l'enfance*.
2. L'article 49 de la *Loi sur le droit de la famille*.
3. L'article 53 de la *Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments*.

PEINE D'EMPRISONNEMENT OU AMENDE CONDITIONNELLE

(8) L'ordonnance pour outrage qui impose une peine d'emprisonnement ou une amende peut être suspendue aux conditions appropriées.

MANDAT D'INCARCÉRATION

(9) Si, sur motion présentée par voie de signification spéciale (paragraphe 6 (3)) à la personne déclarée coupable d'outrage, une partie atteste par affidavit rédigé selon la formule 32C (ou par témoignage oral,

condition imposed under subrule (8), the court may issue a warrant of committal against the person.

PAYMENT OF FINE

(10) A contempt order for the payment of a fine shall require the person in contempt to pay the fine,

- (a) in a single payment, immediately or before a date that the court chooses; or
- (b) in instalments, over a period of time that the court considers appropriate.

CORPORATION IN CONTEMPT

(11) If a corporation is found in contempt, the court may also make an order under subrule (5), (6) or (7) against any officer or director of the corporation.

CHANGE IN CONTEMPT ORDER

(12) The court may, on motion, change an order under this rule, give directions and make any other order that is just.

RULE 32: BONDS, RECOGNIZANCES AND WARRANTS

WARRANT TO BRING A PERSON TO COURT

32. (1) If a person does not come to court after being served with notice of a case, enforcement or motion that may result in an order requiring the person to post a bond,

- (a) the court may issue a warrant for the person's arrest, to bring the person before the court, and adjourn the case to await the person's arrival; or
- (b) the court may,
 - (i) hear and decide the case in the person's absence and, if appropriate, make an order requiring the person to post a bond, and
 - (ii) if the person has been served with the order and does not post the bond by the date set out in the order, issue a warrant for the person's arrest, on motion without notice, to bring the person before the court.

FORM OF BOND AND OTHER REQUIREMENTS

- (2) A bond shall be in Form 32, does not need a seal, and shall,
 - (a) have at least one surety, unless the court orders otherwise;
 - (b) list the conditions that the court considers appropriate;
 - (c) set out an amount of money to be forfeited if the conditions are not obeyed;
 - (d) shall require the person posting the bond to deposit the money with the clerk immediately, unless the court orders otherwise; and
 - (e) name the person to whom any forfeited money is to be paid out.

PERSON BEFORE WHOM RECOGNIZANCE TO BE ENTERED INTO

(3) A recognizance shall be entered into before a judge, a justice of the peace or the clerk.

avec la permission du tribunal) que la personne n'a pas respecté une condition imposée en vertu du paragraphe (8), le tribunal peut décerner un mandat d'incarcération contre cette personne.

PAIEMENT DE L'AMENDE

(10) L'ordonnance pour outrage qui impose une amende enjoint à la personne déclarée coupable de l'outrage de payer l'amende :

- a) soit en un versement unique, immédiatement ou avant la date que fixe le tribunal;
- b) soit par versements échelonnés, sur la période que le tribunal juge appropriée.

SOCIÉTÉ COUPABLE D'OUTRAGE

(11) Le tribunal peut également rendre une ordonnance en vertu du paragraphe (5), (6) ou (7) contre un dirigeant ou administrateur de la société qui est déclarée coupable d'outrage.

MODIFICATION DE L'ORDONNANCE POUR OUTRAGE

(12) Le tribunal peut, sur motion, modifier une ordonnance rendue en vertu de la présente règle, donner des directives et rendre toute autre ordonnance jugée équitable.

RÈGLE 32 : CAUTIONNEMENTS, ENGAGEMENTS ET MANDATS

MANDAT D'AMENER

32. (1) Si une personne ne se présente pas au tribunal après avoir reçu signification d'un avis de cause, d'exécution ou de motion qui pourrait donner lieu à une ordonnance lui enjoignant de fournir un cautionnement, le tribunal peut :

- a) soit décerner un mandat d'arrêt contre la personne afin qu'elle soit amenée devant le tribunal, et ajourner la cause en attendant son arrivée;
- b) soit :
 - (i) entendre et décider la cause en l'absence de la personne et, si cela est approprié, rendre une ordonnance lui enjoignant de fournir un cautionnement,
 - (ii) si la personne a reçu signification de l'ordonnance mais qu'elle ne fournit pas le cautionnement au plus tard à la date fixée dans celle-ci, décerner contre elle, sur motion présentée sans préavis, un mandat d'arrêt afin qu'elle soit amenée devant le tribunal.

FORME DU CAUTIONNEMENT ET AUTRES EXIGENCES

(2) Le cautionnement est rédigé selon la formule 32, il n'a pas besoin d'être scellé et :

- a) il désigne au moins une caution, sauf ordonnance contraire du tribunal;
- b) il énumère les conditions que le tribunal juge appropriées;
- c) il précise la somme qui sera confisquée si les conditions ne sont pas respectées;
- d) il exige de la personne qui fournit le cautionnement qu'elle dépose immédiatement la somme auprès du greffier, sauf ordonnance contraire du tribunal;
- e) il désigne la personne à qui doit être versée toute somme confisquée.

SOUSCRIPTION DE L'ENGAGEMENT

(3) L'engagement est souscrit en présence d'un juge, d'un juge de paix ou du greffier.

CHANGE OF CONDITIONS IN A BOND

(4) The court may, on motion, change any condition in a bond if there has been a material change in a party's circumstances since the date of the order for posting the bond or the date of an order under this subrule, whichever is more recent.

CHANGE IN BOND UNDER CHILDREN'S LAW REFORM ACT

(5) In the case of a bond under the *Children's Law Reform Act*, subrule (4) also applies to a material change in circumstances that affects or is likely to affect the best interests of the child.

REMOVAL OR REPLACEMENT OF SURETY

(6) The court may, on motion, order that a surety be removed or be replaced by another person as surety, in which case as soon as the order is made, the surety who is removed or replaced is free from any obligation under the bond.

MOTION TO ENFORCE BOND

(7) A person requesting the court's permission to enforce a bond under subsection 143 (1) (enforcement of recognizance or bond) of the *Courts of Justice Act* shall serve a notice of forfeiture motion (Form 32A), with a copy of the bond attached, on the person said to have broken the bond and on each surety.

FORFEITURE IF NO DEPOSIT MADE

(8) If an order of forfeiture of a bond is made and no deposit was required, or a deposit was required but was not made, the order shall require the payor or surety to pay the required amount to the person to whom the bond is payable,

- (a) in a single payment, immediately or before a date that the court chooses; or
- (b) in instalments, over a period of time that the court considers appropriate.

CHANGE IN PAYMENT SCHEDULE

(9) If time is allowed for payment under subrule (8), the court may, on a later motion by the payor or a surety, allow further time for payment.

ORDER FOR FORFEITURE OF DEPOSIT

(10) If an order of forfeiture of a bond is made and a deposit was required and was made, the order shall direct the clerk to pay the required amount immediately to the person to whom the bond is made payable.

CANCELLING BOND

(11) The court may, on motion, make an order under subrule (4), or an order cancelling the bond and directing a refund of all or part of the deposit, if,

- (a) a payor or surety made a deposit under the bond;
- (b) the conditions of the bond have not been broken; and
- (c) the conditions have expired or, although they have not expired or do not have an expiry date, the payor or surety has good reasons for getting the conditions of the bond changed.

FORM OF WARRANT FOR ARREST

(12) A warrant for arrest issued against any of the following shall be in Form 32B:

MODIFICATION DES CONDITIONS D'UN CAUTIONNEMENT

(4) Le tribunal peut, sur motion, modifier les conditions d'un cautionnement s'il est survenu un changement important dans la situation d'une partie depuis la date de l'ordonnance de fourniture du cautionnement ou la date d'une ordonnance rendue en vertu du présent paragraphe, selon la plus récente de ces dates.

CAUTIONNEMENT EXIGÉ PAR LA LOI PORTANT RÉFORME DU DROIT DE L'ENFANCE

(5) Dans le cas d'un cautionnement exigé par la *Loi portant réforme du droit de l'enfance*, le paragraphe (4) s'applique également à un changement important de circonstances qui influe ou qui est susceptible d'influer sur l'intérêt véritable de l'enfant.

RETRAIT OU REMPLACEMENT D'UNE CAUTION

(6) Le tribunal peut, sur motion, ordonner le retrait d'une caution ou son remplacement par une autre personne, auquel cas la caution qui est retirée ou remplacée est libérée de toute obligation imposée par le cautionnement dès que l'ordonnance est rendue.

MOTION EN EXÉCUTION D'UN CAUTIONNEMENT

(7) La personne qui demande au tribunal la permission d'exécuter un cautionnement en vertu du paragraphe 143 (1) (exécution des cautionnements et engagements) de la *Loi sur les tribunaux judiciaires* signifie un avis de motion en confiscation (formule 32A), accompagné d'une copie du cautionnement, à la personne qui est présumée ne pas avoir observé les conditions de celui-ci ainsi qu'à chaque caution.

CONFISCATION EN CAS D'ABSENCE DE DÉPÔT

(8) Si une ordonnance de confiscation d'un cautionnement est rendue et qu'aucun dépôt n'était exigé, ou qu'un dépôt était exigé mais n'a pas été fait, l'ordonnance enjoint au payeur ou à la caution de verser la somme exigée à la personne à qui le cautionnement est payable :

- a) soit en un versement unique, immédiatement ou avant la date que fixe le tribunal;
- b) soit par versements échelonnés, sur la période que le tribunal juge appropriée.

MODIFICATION DU DÉLAI DE PAIEMENT

(9) Le tribunal peut, sur présentation ultérieure d'une motion par le payeur ou une caution, prolonger le délai de paiement qu'il accorde en vertu du paragraphe (8).

ORDONNANCE DE CONFISCATION DU DÉPÔT

(10) Si une ordonnance de confiscation d'un cautionnement est rendue et qu'un dépôt était exigé et a été fait, l'ordonnance enjoint au grefier de verser immédiatement la somme exigée à la personne à qui le cautionnement est payable.

ANNULATION DU CAUTIONNEMENT

(11) Le tribunal peut, sur motion, rendre une ordonnance en vertu du paragraphe (4) ou une ordonnance annulant le cautionnement et exigeant le remboursement de tout ou partie du dépôt, si les conditions suivantes sont réunies :

- a) le payeur ou la caution a fait le dépôt exigé par le cautionnement;
- b) les conditions du cautionnement ont été respectées;
- c) les conditions sont expirées ou, si elles ne le sont pas ou qu'elles n'ont pas de date d'expiration, le payeur ou la caution a de bonnes raisons de les faire modifier.

FORME DU MANDAT D'ARRÊT

(12) Le mandat d'arrêt décerné contre l'une ou l'autre des personnes suivantes est rédigé selon la formule 32B :

1. A payor who does not file a financial statement ordered under subsection 40 (4) of the *Family Responsibility and Support Arrears Enforcement Act, 1996* or under these rules.
2. A payor who does not come to a default hearing under section 41 of the *Family Responsibility and Support Arrears Enforcement Act, 1996*.
3. An absconding respondent under subsection 43 (1) or 59 (2) of the *Family Law Act*.
4. An absconding payor under subsection 49 (1) of the *Family Responsibility and Support Arrears Enforcement Act, 1996*.
5. A witness who does not come to court or remain in attendance as required by a summons to witness.
6. A person who does not come to court in a case that may result in an order requiring the person to post a bond under these rules.
7. A person who does not obey an order requiring the person to post a bond under these rules.
8. A person against whom a contempt motion is made.
9. Any other person liable to arrest under an order.
10. Any other person liable to arrest for committing an offence.

BAIL ON ARREST

(13) Section 150 (interim release by justice of the peace) of the *Provincial Offences Act* applies, with necessary changes, to an arrest made under a warrant mentioned in paragraph 1, 2, 3 or 4 of subrule (12).

AFFIDAVIT FOR WARRANT OF COMMITTAL

(14) An affidavit in support of a motion for a warrant of committal shall be in Form 32C.

FORM OF WARRANT OF COMMITTAL

(15) A warrant of committal issued to enforce an order of imprisonment shall be in Form 32D.

RULE 33: CHILD PROTECTION

TIMETABLE

33. (1) Every child protection case, including a status review application, is governed by the following timetable:

Step in the case	Maximum time for completion, from start of case
First hearing, if child has been apprehended	5 days
Temporary care and custody hearing	25 days
Service and filing of plan of care or supervision	33 days
Case conference	40 days
Settlement conference	80 days
Protection hearing	120 days

1. Le payeur qui ne dépose pas l'état financier exigé aux termes du paragraphe 40 (4) de la *Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments* ou aux termes des présentes règles.
2. Le payeur qui ne se présente pas à une audience sur le défaut tenue en vertu de l'article 41 de la *Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments*.
3. L'intimé en fuite mentionné au paragraphe 43 (1) ou 59 (2) de la *Loi sur le droit de la famille*.
4. Le payeur en fuite mentionné au paragraphe 49 (1) de la *Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments*.
5. Le témoin qui ne se présente pas au tribunal ou n'y reste pas comme l'exige une assignation de témoin.
6. La personne qui ne se présente pas au tribunal dans une cause qui pourrait donner lieu à une ordonnance lui enjoignant de fournir un cautionnement aux termes des présentes règles.
7. La personne qui n'observe pas une ordonnance lui enjoignant de fournir un cautionnement aux termes des présentes règles.
8. La personne contre laquelle une motion pour outrage est présentée.
9. Toute autre personne susceptible d'être arrêtée en vertu d'une ordonnance.
10. Toute autre personne susceptible d'être arrêtée pour infraction.

CAUTIONNEMENT APRÈS L'ARRESTATION

(13) L'article 150 (mise en liberté provisoire par un juge de paix) de la *Loi sur les infractions provinciales* s'applique, avec les adaptations nécessaires, à l'arrestation effectuée en vertu d'un mandat mentionné à la disposition 1, 2, 3 ou 4 du paragraphe (12).

AFFIDAVIT À L'APPUI D'UNE DEMANDE DE MANDAT D'INCARCÉRATION

(14) L'affidavit à l'appui d'une motion pour mandat d'incarcération est rédigé selon la formule 32C.

FORME DU MANDAT D'INCARCÉRATION

(15) Le mandat d'incarcération décerné pour exécuter une ordonnance d'emprisonnement est rédigé selon la formule 32D.

RÈGLE 33 : PROTECTION DE L'ENFANCE

CALENDRIER

33. (1) Chaque cause portant sur la protection d'un enfant, y compris une requête en révision de statut, est régie par le calendrier suivant :

Étape de la cause	Délai d'exécution maximal à compter de l'introduction de la cause
Première audience, si l'enfant a été amené	5 jours
Audience sur les soins et la garde temporaires	25 jours
Signification et dépôt du programme de soins ou de surveillance	33 jours
Conférence relative à la cause	40 jours
Conférence en vue d'un règlement amiable	80 jours
Audience portant sur la protection	120 jours

CASE MANAGEMENT JUDGE

(2) Wherever possible, at the start of the case a judge shall be assigned to manage it and monitor its progress.

COURT MAY LENGTHEN TIMES ONLY IN BEST INTERESTS OF CHILD

(3) The court may lengthen a time shown in the timetable only if the best interests of the child require it.

PARTIES MAY NOT LENGTHEN TIMES

(4) The parties may not lengthen a time shown in the timetable by consent under subrule 3 (6).

PLAN OF CARE OR SUPERVISION TO BE SERVED

(5) A party who wants the court to consider a plan of care or supervision shall serve it on the other parties and file it not later than seven days before the case conference, even if that is sooner than the timetable would require.

TEMPORARY CARE AND CUSTODY HEARING—AFFIDAVIT EVIDENCE

(6) The evidence at a temporary care and custody hearing shall be given by affidavit, unless the court orders otherwise.

FORMS FOR CHILD PROTECTION CASES

(7) In a child protection case,

- (a) an information for a warrant to apprehend a child shall be in Form 33;
- (b) a warrant to apprehend a child shall be in Form 33A;
- (c) a plan of care for a child shall be in Form 33B;
- (d) an agreed statement of facts in a child protection case shall be in Form 33C; and
- (e) an agreed statement of facts in a status review application shall be in Form 33D.

FORMS FOR SECURE TREATMENT CASES

(8) In an application under Part VI (secure treatment) of the *Child and Family Services Act*, a consent signed by the child shall be in Form 33E and a consent signed by any other person shall be in Form 33F.

RULE 34: ADOPTION**CFSA DEFINITIONS APPLY**

34. (1) The definitions in the *Child and Family Services Act* apply to this rule and, in particular,

“Director” means a Director within the meaning of the Act.

MEANING OF “ACT”

(2) In this rule,

“Act” means the *Child and Family Services Act*.

CERTIFIED COPY OF ORDER FROM OUTSIDE ONTARIO

(3) When this rule requires a copy of an order to be filed and the order in question was made outside Ontario, it shall be a copy that is certified by an official of the court or other authority that made it.

JUGE RESPONSABLE DE LA GESTION DE LA CAUSE

(2) Au début de la cause, un juge est chargé dans la mesure du possible de la gérer et d'en surveiller l'évolution.

PROLONGEMENT DES DÉLAIS PAR LE TRIBUNAL

(3) Le tribunal ne peut prolonger un délai précisé dans le calendrier que si l'intérêt véritable de l'enfant l'exige.

PROLONGEMENT DES DÉLAIS PAR LES PARTIES

(4) Les parties ne peuvent prolonger un délai précisé dans le calendrier par consentement visé au paragraphe 3 (6).

PROGRAMME DE SOINS OU DE SURVEILLANCE À SIGNIFIER

(5) La partie qui veut que le tribunal examine un programme de soins ou de surveillance le signifie aux autres parties et le dépose au plus tard sept jours avant la conférence relative à la cause, même si c'est plus tôt que ne l'exige le calendrier.

AUDIENCE PORTANT SUR LES SOINS ET LA GARDE TEMPORAIRES — TÉMOIGNAGE PAR AFFIDAVIT

(6) Lors d'une audience portant sur les soins et la garde temporaires, les témoignages sont donnés par affidavit, sauf ordonnance contraire du tribunal.

FORMULES DANS LES CAUSES PORTANT SUR LA PROTECTION D'UN ENFANT

(7) Dans une cause portant sur la protection d'un enfant :

- a) la dénonciation en vue d'obtenir un mandat d'amener un enfant est rédigée selon la formule 33;
- b) le mandat d'amener un enfant est rédigé selon la formule 33A;
- c) le programme de soins pour un enfant est rédigé selon la formule 33B;
- d) l'exposé conjoint des faits dans une cause portant sur la protection d'un enfant est rédigé selon la formule 33C;
- e) l'exposé conjoint des faits dans une requête en révision de statut est rédigé selon la formule 33D.

FORMULES DANS LES CAUSES PORTANT SUR LES PROGRAMMES DE TRAITEMENT EN MILIEU FERMÉ

(8) Dans une requête présentée en vertu de la partie VI (programme de traitement en milieu fermé) de la *Loi sur les services à l'enfance et à la famille*, le consentement signé par l'enfant est rédigé selon la formule 33E et celui signé par une autre personne est rédigé selon la formule 33F.

RÈGLE 34 : ADOPTION**DÉFINITIONS APPLICABLES**

34. (1) Les définitions de la *Loi sur les services à l'enfance et à la famille*, dont la définition suivante, s'appliquent à la présente règle.

«directeur» S'entend au sens de la Loi.

SIGNIFICATION DE «LOI»

(2) La définition qui suit s'applique à la présente règle.

«Loi» S'entend de la *Loi sur les services à l'enfance et à la famille*.

COPIE CERTIFIÉE CONFORME D'UNE ORDONNANCE RENDUE HORS DE L'ONTARIO

(3) Lorsque la présente règle exige le dépôt d'une copie d'une ordonnance et que l'ordonnance a été rendue hors de l'Ontario, la copie est certifiée conforme par un fonctionnaire du tribunal ou de l'autre organe qui a rendu l'ordonnance.

MATERIAL TO BE FILED WITH ADOPTION APPLICATIONS

(4) The following shall be filed with every application for an adoption:

1. A certified copy of the statement of live birth of the child, or an equivalent that satisfies the court.
2. If required, the child's consent to adoption (Form 34) or a notice of motion and supporting affidavit for an order under subsection 137 (9) of the Act dispensing with the child's consent.
3. If the child is not a Crown ward, an affidavit of parentage (Form 34A) or any other evidence about parentage that the court requires from the child's parent, the person giving the child up for adoption, or a person named by the court.
4. If the applicant has a spouse who has not joined in the application, a consent to the child's adoption by the spouse (Form 34B).
5. If required by the Act or by an order, a Director's or local director's statement on adoption (Form 34C) under subsection 149 (1) or (6) of the Act.
6. An affidavit signed by the applicant (Form 34D) that includes details about the applicant's education, employment, health, background and ability to support and care for the child, a history of the relationship between the parent and the child and any other evidence relating to the best interests of the child, and states whether the child is an Indian or a native person.

REPORT OF CHILD'S ADJUSTMENT

(5) A report under subsection 149 (5) or (6) of the Act of the child's adjustment in the applicant's home shall also be filed with the application if the child is under 16 years of age, or is 16 years of age or older but has not withdrawn from parental control and has not married.

ADDITIONAL MATERIAL—CROWN WARD

(6) If the child is a Crown ward, the following shall also be filed with the application:

1. A Director's consent to adoption (Form 34E).
2. A copy of any order under subsection 58 (1) of the Act ending access to the child.
3. A copy of the order of Crown wardship.
4. Proof of service of the orders referred to in paragraphs 2 and 3, or a copy of any order dispensing with service.
5. An affidavit, signed by a person delegated by the local director of the children's aid society that has placed the child for adoption, stating that there is no appeal in progress from an order referred to in paragraph 2 or 3, or that the appeal period has expired without an appeal being filed, or that an appeal was filed but has been withdrawn or finally dismissed.

ADDITIONAL MATERIAL—CHILD NOT CROWN WARD

(7) If the child is not a Crown ward and is placed for adoption by a licensee or children's aid society, the following shall also be filed with the application:

1. A copy of any custody or access order that is in force and is known to the person placing the child, or to an applicant.

DOCUMENTS À DÉPOSER AVEC CHAQUE REQUÊTE EN ADOPTION

(4) Les documents suivants sont déposés avec chaque requête en adoption :

1. Une copie certifiée conforme de la déclaration de naissance vivante de l'enfant, ou un document équivalent que le tribunal juge satisfaisant.
2. S'il est exigé, le consentement de l'enfant à l'adoption (formule 34) ou un avis de motion et un affidavit à l'appui en vue d'obtenir, aux termes du paragraphe 137 (9) de la Loi, une ordonnance permettant de passer outre à ce consentement.
3. Si l'enfant n'est pas un pupille de la Couronne, un affidavit de filiation (formule 34A) ou toute autre preuve de filiation que le tribunal exige soit du père ou de la mère de l'enfant, soit de la personne qui donne l'enfant en adoption, soit de la personne que désigne le tribunal.
4. Si le conjoint du requérant n'est pas partie à la requête, son consentement à l'adoption de l'enfant (formule 34B).
5. Si la Loi ou une ordonnance l'exige, la déclaration du directeur ou du directeur local au sujet de l'adoption (formule 34C) mentionnée au paragraphe 149 (1) ou (6) de la Loi.
6. Un affidavit signé par le requérant (formule 34D) comprenant des précisions sur ses études, son emploi, sa santé, ses antécédents et sa capacité de subvenir aux besoins de l'enfant et de prendre soin de lui, l'historique des rapports entre l'enfant et ses père et mère et tout autre élément de preuve servant à établir l'intérêt véritable de l'enfant, et indiquant si l'enfant est un Indien ou un autochtone.

RAPPORT SUR L'ADAPTATION DE L'ENFANT

(5) Le rapport, mentionné au paragraphe 149 (5) ou (6) de la Loi, indiquant la façon dont l'enfant s'adapte au foyer du requérant est également déposé avec la requête si l'enfant a moins de 16 ans ou a 16 ans ou plus mais ne s'est pas soustrait à l'autorité parentale et ne s'est pas marié.

DOCUMENTS ADDITIONNELS — PUPILLE DE LA COURONNE

(6) Si l'enfant est un pupille de la Couronne, les documents suivants sont également déposés avec la requête :

1. Le consentement du directeur à l'adoption (formule 34E).
2. Une copie de toute ordonnance annulant le droit de visite à l'enfant rendue en vertu du paragraphe 58 (1) de la Loi.
3. Une copie de l'ordonnance de tutelle de la Couronne.
4. La preuve de la signification des ordonnances mentionnées aux dispositions 2 et 3 ou une copie de toute ordonnance dispensant de la signification.
5. Un affidavit, signé par la personne déléguée par le directeur local de la société d'aide à l'enfance qui a placé l'enfant en vue de son adoption, indiquant qu'aucun appel d'une ordonnance mentionnée à la disposition 2 ou 3 n'est en cours, que le délai d'appel a expiré sans qu'un appel ait été interjeté ou qu'un appel a été interjeté mais a été retiré ou rejeté.

DOCUMENTS ADDITIONNELS — ENFANT NON UN PUPILLE DE LA COURONNE

(7) Si l'enfant n'est pas un pupille de la Couronne et qu'il est placé en vue de son adoption par un titulaire de permis ou une société d'aide à l'enfance, les documents suivants sont également déposés avec la requête :

1. Une copie de toute ordonnance de garde ou de visite qui est en vigueur et qui est connue de la personne qui place l'enfant ou du requérant.

2. Proof of service of the order referred to in paragraph 1, or a copy of any order dispensing with service.
3. A consent to adoption (Form 34F) under section 137 of the Act from every person, other than the applicant, who is a parent or who has lawful custody or control of the child and of whom the person placing the child or an applicant is aware. Each person's consent may be replaced by a copy of an order under section 137 dispensing with the consent.
4. An affidavit (Form 34G) signed by the licensee or by an authorized employee of the children's aid society (depending on who is placing the child).
5. If the child is placed by a licensee, a copy of the licensee's licence to make the placement at the time of placing the child for adoption.

ADDITIONAL MATERIAL—RELATIVE OR STEP-PARENT

(8) If the applicant is the child's relative or the spouse of the child's parent, an affidavit from each applicant (Form 34H) shall also be filed with the application.

STEP-PARENT ADOPTION NOT JOINT APPLICATION

(9) An application by the spouse of the child's parent shall not be made jointly with the parent, but shall be accompanied by the parent's consent (Form 34I).

INDEPENDENT LEGAL ADVICE, CHILD'S CONSENT

(10) The consent of a child to be adopted shall be witnessed by a representative of the Children's Lawyer, who shall complete the affidavit of execution and independent legal advice (Form 34J).

INDEPENDENT LEGAL ADVICE, CONSENT OF PARENT UNDER 18

(11) Subrule (10) also applies to the consent of a person under the age of 18 years who is a parent or other person with legal custody or control of the child to be adopted.

INDEPENDENT LEGAL ADVICE, ADULT PARENT'S CONSENT

(12) The consent of an adult parent or other person with legal custody or control of the child to be adopted shall be witnessed by an independent lawyer, who shall complete the affidavit of execution and independent legal advice.

COPY OF CONSENT FOR PERSON SIGNING

(13) A person who signs a consent to an adoption shall be given a copy of the consent and of the affidavit of execution and independent legal advice.

MOTION TO WITHDRAW CONSENT

(14) Despite subrule 5 (4) (place for steps other than enforcement), a motion to withdraw a consent to an adoption shall be made in,

- (a) the municipality where the person who gave the consent lives; or
- (b) in any other place that the court decides.

2. La preuve de la signification de l'ordonnance mentionnée à la disposition 1 ou une copie de toute ordonnance dispensant de la signification.
3. Le consentement à l'adoption (formule 34F), mentionné à l'article 137 de la Loi, donné par chaque personne, autre que le requérant, qui est le père ou la mère de l'enfant, qui en a la garde légitime ou qui en assure la surveillance et dont l'existence est connue de la personne qui place l'enfant ou du requérant. Ce consentement peut être remplacé par une copie de toute ordonnance dispensant du consentement rendue en vertu de l'article 137.
4. Un affidavit (formule 34G) signé par le titulaire de permis ou par un employé autorisé de la société d'aide à l'enfance, si c'est elle qui place l'enfant.
5. Si c'est un titulaire de permis qui place l'enfant, une copie du permis l'autorisant à procéder au placement au moment où il le fait.

DOCUMENTS ADDITIONNELS — PARENT OU BEAU-PARENT

(8) Si le requérant est un parent de l'enfant ou le conjoint du père ou de la mère de l'enfant, un affidavit signé par chaque requérant (formule 34H) est également déposé avec la requête.

BEAU-PARENT — REQUÊTE DISTINCTE

(9) La requête du conjoint du père ou de la mère de l'enfant ne doit pas être présentée de concert avec celle du père ou la mère, selon le cas, mais elle doit être accompagnée de son consentement (formule 34I).

CONSEILS JURIDIQUES INDÉPENDANTS — CONSENTEMENT DE L'ENFANT

(10) Le consentement de l'enfant qui doit être adopté est attesté par un représentant de l'avocat des enfants, qui remplit l'affidavit du témoin à la signature (formule 34J) attestant la fourniture de conseils juridiques indépendants.

CONSEILS JURIDIQUES INDÉPENDANTS — CONSENTEMENT DU PÈRE OU DE LA MÈRE MINEUR

(11) Le paragraphe (10) s'applique également au consentement d'une personne de moins de 18 ans qui est le père ou la mère de l'enfant qui doit être adopté ou qui a la garde légitime de l'enfant ou en assure la surveillance.

CONSEILS JURIDIQUES INDÉPENDANTS — CONSENTEMENT DU PÈRE OU DE LA MÈRE MAJEUR

(12) Le consentement d'une personne majeure qui est le père ou la mère de l'enfant qui doit être adopté ou qui a la garde légitime de l'enfant ou en assure la surveillance est attesté par un avocat indépendant, qui remplit l'affidavit du témoin à la signature attestant la fourniture de conseils juridiques indépendants.

REMISE D'UNE COPIE DU CONSENTEMENT À SON SIGNATAIRE

(13) La personne qui signe un consentement à l'adoption reçoit une copie du consentement et de l'affidavit du témoin à la signature attestant la fourniture de conseils juridiques indépendants.

MOTION EN RETRAIT DU CONSENTEMENT

(14) Malgré le paragraphe 5 (4) (lieu du déroulement des étapes autres que l'exécution), la motion en retrait du consentement à l'adoption est présentée :

- a) soit dans la municipalité où réside la personne qui a donné le consentement;
- b) soit à l'endroit que fixe le tribunal.

CLERK TO CHECK ADOPTION APPLICATION

- (15) Before the application is presented to a judge, the clerk shall,
- (a) review the application and other documents filed to see whether they are in order; and
 - (b) prepare a certificate (Form 34K).

RULE 35: CHANGE OF NAME**TIME FOR APPLICATION**

35. (1) An application under subsection 7 (3) (application to court for change of name) of the *Change of Name Act* shall be made within 30 days after the applicant is notified that the Registrar General has refused to make the requested change of name.

SERVICE ON THE REGISTRAR GENERAL

(2) The applicant shall serve the application and any supporting material on the Registrar General by delivering or mailing a copy of the documents to the Deputy Registrar General.

REGISTRAR GENERAL'S REASONS FOR REFUSAL

(3) Within 15 days after being served under subrule (2), the Registrar General may file reasons for refusing to make the requested change of name.

RULE 36: DIVORCE**APPLICATION FOR DIVORCE**

36. (1) Either spouse may start a divorce case by,
- (a) filing an application naming the other spouse as a respondent; or
 - (b) filing a joint application with no respondent.

JOINT APPLICATION

(2) In a joint application, the divorce and any other order sought shall be made only with the consent of both spouses.

ALLEGATION OF ADULTERY

(3) In an application for divorce claiming that the other spouse committed adultery with another person, that person does not need to be named, but if named, shall be served with the application and has all the rights of a respondent in the case.

MARRIAGE CERTIFICATE AND CENTRAL DIVORCE REGISTRY CERTIFICATE

(4) The court shall not grant a divorce until the following have been filed:

1. A marriage certificate or marriage registration certificate, unless the application states that it is impractical to obtain a certificate and explains why.
2. A report on earlier divorce cases started by either spouse, issued under the *Central Registry of Divorce Proceedings Regulations* (Canada).

DIVORCE BASED ON AFFIDAVIT EVIDENCE

(5) If the respondent files no answer, or files one and later withdraws it, the applicant shall file an affidavit (Form 36) that,

- (a) confirms that all the information in the application is correct, except as stated in the affidavit;

VÉRIFICATION DE LA REQUÊTE PAR LE GREFFIER

(15) Avant la présentation de la requête au juge, le greffier fait ce qui suit :

- a) il examine la requête et les autres documents qui ont été déposés pour voir s'ils sont en règle;
- b) il établit une attestation (formule 34K).

RÈGLE 35 : CHANGEMENT DE NOM**DÉLAI DE PRÉSENTATION DE LA REQUÊTE**

35. (1) L'auteur d'une demande de changement de nom dispose de 30 jours après qu'il est avisé que le registraire général de l'état civil a rejeté sa demande pour présenter une requête en vertu du paragraphe 7 (3) (requête en changement de nom) de la *Loi sur le changement de nom*.

SIGNIFICATION AU REGISTRAIRE GÉNÉRAL

(2) Le requérant signifie sa requête et tout document à l'appui au registraire général de l'état civil en remettant ou en envoyant par la poste une copie au registraire général de l'état civil adjoint.

MOTIFS DU REJET

(3) Au plus tard 15 jours après que les documents mentionnés au paragraphe (2) lui sont signifiés, le registraire général de l'état civil peut déposer les motifs pour lesquels il a rejeté la demande de changement de nom.

RÈGLE 36 : DIVORCE**REQUÊTE EN DIVORCE**

36. (1) L'un ou l'autre des conjoints peut introduire une cause de divorce :

- a) soit en déposant une requête dans laquelle son conjoint est l'intimé;
- b) soit en déposant une requête conjointe sans intimé.

REQUÊTE CONJOINTE

(2) Dans une requête conjointe, l'ordonnance de divorce et toute autre ordonnance demandée ne sont rendues qu'avec le consentement des deux conjoints.

ALLÉGATION D'ADULTÈRE

(3) La personne qui soutient dans sa requête en divorce que son conjoint a commis un adultère n'est pas tenue de nommer la personne avec qui il l'a commis, mais si elle le fait, la personne en question reçoit signification de la requête et a tous les droits d'un intimé dans la cause.

CERTIFICAT DU MARIAGE OU DE SON ENREGISTREMENT

(4) Le tribunal ne doit pas accorder de divorce tant que les documents suivants n'ont pas été déposés :

1. Le certificat du mariage ou de son enregistrement, sauf si la requête précise qu'il n'est pas pratique d'obtenir un tel certificat et explique pourquoi.
2. Un rapport sur toute cause de divorce introduite dans le passé par l'un ou l'autre conjoint, rédigé aux termes du *Règlement sur le Bureau d'enregistrement des actions en divorce* (Canada).

DIVORCE AVEC PREUVE PAR AFFIDAVIT

(5) Si l'intimé ne dépose pas de défense ou qu'il en dépose une et la retire par la suite, le requérant dépose un affidavit (formule 36) :

- a) qui atteste que tous les renseignements contenus dans la requête sont exacts, à l'exception de ceux que précise l'affidavit;

- (b) if no marriage certificate or marriage registration certificate has been filed, provides sufficient information to prove the marriage;
- (c) contains proof of any previous divorce or the death of a party's previous spouse, unless the marriage took place in Canada;
- (d) contains the information about arrangements for support of any children of the marriage required by paragraph 11 (1) (b) of the *Divorce Act* (Canada), and attaches as exhibits the income and financial information required by section 21 of the child support guidelines; and
- (e) contains any other information necessary for the court to grant the divorce.

DRAFT DIVORCE ORDER

- (6) The applicant shall file with the affidavit,
 - (a) three copies of a draft divorce order (Form 25A);
 - (b) a stamped envelope addressed to each party; and
 - (c) if the divorce order is to contain a support order,
 - (i) an extra copy of the draft divorce order for the clerk to file with the Director of the Family Responsibility Office, and
 - (ii) two copies of a draft support deduction order.

CLERK TO PRESENT PAPERS TO JUDGE

- (7) When the documents mentioned in subrules (4) to (6) have been filed, the clerk shall prepare a certificate (Form 36A) and present the documents to a judge, who may,
 - (a) grant the divorce as set out in the draft order;
 - (b) have the clerk return the documents to the applicant to make any needed corrections; or
 - (c) grant the divorce but make changes to the draft order, or refuse to grant the divorce, after giving the applicant a chance to file an additional affidavit or come to court to explain why the order should be made without change.

DIVORCE CERTIFICATE

- (8) When a divorce takes effect, the clerk shall, on either party's request,
 - (a) check the continuing record to verify that,
 - (i) no appeal has been taken from the divorce order, or any appeal from it has been disposed of, and
 - (ii) no order has been made extending the time for an appeal, or any extended time has expired without an appeal; and
 - (b) if satisfied of those matters, issue a divorce certificate (Form 36B) and mail it to the parties, unless the court orders otherwise.

REGISTRATION OF ORDERS MADE OUTSIDE ONTARIO

- (9) If a court outside Ontario has made an order for support, custody or access under the *Divorce Act* (Canada), a person who wants it registered for enforcement in Ontario under paragraph 20 (3) (a) of that Act shall mail a certified copy of the order to the clerk at the office of the Superior Court of Justice in a municipality where the order may be enforced under subrule 5 (6).

- (b) dans les cas où aucun certificat du mariage ou de son enregistrement n'a été déposé, qui fournit suffisamment de renseignements pour prouver le mariage;
- (c) qui contient la preuve de tout divorce antérieur ou du décès du conjoint précédent d'une partie, sauf si le mariage a eu lieu au Canada;
- (d) qui contient les renseignements sur les arrangements quant aux aliments des enfants à charge exigés par l'alinéa 11 (1) b) de la *Loi sur le divorce* (Canada) et qui joint en tant que pièce les renseignements sur le revenu et la situation financière exigés par l'article 21 des lignes directrices sur les aliments pour les enfants;
- (e) qui contient tout autre renseignement dont le tribunal a besoin pour accorder le divorce.

PROJET D'ORDONNANCE DE DIVORCE

- (6) Le requérant dépose avec l'affidavit :
 - a) trois copies du projet d'ordonnance de divorce (formule 25A);
 - b) une enveloppe affranchie adressée à chaque partie;
 - c) si l'ordonnance de divorce doit comprendre une ordonnance alimentaire :
 - (i) une copie supplémentaire du projet d'ordonnance de divorce à déposer par le greffier auprès du directeur du Bureau des obligations familiales,
 - (ii) deux copies du projet d'ordonnance de retenue des aliments.

PRÉSENTATION DES DOCUMENTS AU JUGE

- (7) Après le dépôt des documents mentionnés aux paragraphes (4) à (6), le greffier établit une attestation (formule 36A) et présente les documents au juge, qui peut :
 - a) soit accorder le divorce conformément au projet d'ordonnance;
 - b) soit demander au greffier de retourner les documents au requérant pour qu'il y apporte les corrections nécessaires, le cas échéant;
 - c) soit accorder le divorce et modifier le projet d'ordonnance, soit refuser de l'accorder, après avoir donné au requérant l'occasion de déposer un autre affidavit ou de se présenter au tribunal pour expliquer pourquoi l'ordonnance devrait être rendue sans modification.

CERTIFICAT DE DIVORCE

- (8) Lorsqu'un divorce prend effet, le greffier fait ce qui suit à la demande de l'une ou l'autre partie :
 - a) il vérifie le dossier continu pour s'assurer :
 - (i) d'une part, qu'il n'a pas été interjeté appel de l'ordonnance de divorce ou qu'il a été statué sur tout appel interjeté,
 - (ii) d'autre part, qu'il n'a pas été rendu d'ordonnance de prolongation du délai d'appel ou que tout délai prolongé a expiré sans qu'un appel ait été interjeté;
 - b) s'il est convaincu de ces faits, il délivre un certificat de divorce (formule 36B) et l'envoie par la poste aux parties, sauf ordonnance contraire du tribunal.

ENREGISTREMENT DES ORDONNANCES RENDUES HORS DE L'ONTARIO

- (9) Quiconque désire faire enregistrer une ordonnance alimentaire, une ordonnance de garde ou une ordonnance de visite rendue aux termes de la *Loi sur le divorce* (Canada) par un tribunal situé hors de l'Ontario en vue de son exécution en Ontario comme le permet l'alinéa 20 (3) a) de cette loi envoie par la poste une copie certifiée conforme de l'ordonnance au greffier du greffe de la Cour supérieure de justice situé dans

RULE 37: RECIPROCAL ENFORCEMENT OF SUPPORT ORDERS

DEFINITIONS

37. (1) In this rule,

“confirming court” means,

- (a) in the case of an order under section 19 of the *Divorce Act* (Canada), the court in Ontario or another province or territory of Canada that has jurisdiction to confirm a provisional variation of the order,
- (b) for the purpose of section 44 of the *Family Law Act*,
 - (i) the Ontario Court of Justice sitting in the municipality where the respondent resides, or
 - (ii) the Family Court of the Superior Court of Justice, if the respondent resides in an area where that court has jurisdiction, or
- (c) for the purpose of the *Reciprocal Enforcement of Support Orders Act* and any similar Act in a reciprocating state, the court in Ontario or a reciprocating state having jurisdiction to confirm a provisional order under that Act; (“tribunal d’homologation”)

“final order” has the same meaning as in the *Reciprocal Enforcement of Support Orders Act*; (“ordonnance définitive”)

“originating court” means,

- (a) in the case of an order under section 18 of the *Divorce Act* (Canada), the court in Ontario or another province or territory of Canada that has jurisdiction under section 5 of that Act to deal with an application for a provisional variation of the order,
- (b) for the purpose of section 44 of the *Family Law Act*,
 - (i) the Ontario Court of Justice sitting in the municipality where the provisional order is made, or
 - (ii) the Family Court of the Superior Court of Justice when it makes the provisional order, or
- (c) for the purpose of the *Reciprocal Enforcement of Support Orders Act* and any similar Act in a reciprocating state, the court in Ontario or a reciprocating state having jurisdiction to deal with an application for a provisional order under that Act; (“tribunal d’origine”)

“reciprocating state” has the same meaning as in the *Reciprocal Enforcement of Support Orders Act*. (“État accordant la réciprocité”)

DOCUMENTS TO BE SENT TO CONFIRMING COURT

(2) When the court makes a provisional order under section 18 of the *Divorce Act* (Canada), section 44 of the *Family Law Act* or section 3 of the *Reciprocal Enforcement of Support Orders Act*, the clerk shall send three certified copies of the following to the confirming court (if it is in Ontario) or to the Attorney General to be sent to the confirming court (if it is outside Ontario):

1. The application.
2. The applicant’s financial statement.

une municipalité où l’ordonnance peut être exécutée en vertu du paragraphe 5 (6).

RÈGLE 37 : EXÉCUTION RÉCIPROQUE D’ORDONNANCES ALIMENTAIRES

DÉFINITIONS

37. (1) Les définitions qui suivent s’appliquent à la présente règle.

«État accordant la réciprocité» S’entend au sens de la *Loi sur l’exécution réciproque d’ordonnances alimentaires*. («reciprocating state»)

«ordonnance définitive» S’entend au sens de la *Loi sur l’exécution réciproque d’ordonnances alimentaires*. («final order»)

«tribunal d’homologation» S’entend de ce qui suit :

- a) dans le cas d’une ordonnance rendue en vertu de l’article 19 de la *Loi sur le divorce* (Canada), le tribunal de l’Ontario ou d’une autre province ou d’un territoire du Canada qui a compétence pour homologuer une modification conditionnelle de l’ordonnance;
- b) pour l’application de l’article 44 de la *Loi sur le droit de la famille* :
 - (i) la Cour de justice de l’Ontario siégeant dans la municipalité où réside l’intimé,
 - (ii) la Cour de la famille de la Cour supérieure de justice, si l’intimé réside dans un secteur où ce tribunal a compétence;
- c) pour l’application de la *Loi sur l’exécution réciproque d’ordonnances alimentaires* et de toute loi semblable d’un État accordant la réciprocité, le tribunal de l’Ontario ou de l’État accordant la réciprocité qui a compétence pour homologuer une ordonnance conditionnelle en vertu de cette loi. («confirming court»)

«tribunal d’origine» S’entend de ce qui suit :

- a) dans le cas d’une ordonnance rendue en vertu de l’article 18 de la *Loi sur le divorce* (Canada), le tribunal de l’Ontario ou d’une autre province ou d’un territoire du Canada qui a compétence en vertu de l’article 5 de cette loi pour traiter une requête en modification conditionnelle de l’ordonnance;
- b) pour l’application de l’article 44 de la *Loi sur le droit de la famille* :
 - (i) la Cour de justice de l’Ontario siégeant dans la municipalité où l’ordonnance conditionnelle est rendue,
 - (ii) la Cour de la famille de la Cour supérieure de justice, si c’est elle qui rend l’ordonnance conditionnelle;
- c) pour l’application de la *Loi sur l’exécution réciproque d’ordonnances alimentaires* et de toute loi semblable d’un État accordant la réciprocité, le tribunal de l’Ontario ou de l’État accordant la réciprocité qui a compétence pour traiter une requête visant à obtenir une ordonnance conditionnelle en vertu de cette loi. («originating court»)

DOCUMENTS À ENVOYER AU TRIBUNAL D’HOMOLOGATION

(2) Lorsque le tribunal rend une ordonnance conditionnelle en vertu de l’article 18 de la *Loi sur le divorce* (Canada), de l’article 44 de la *Loi sur le droit de la famille* ou de l’article 3 de la *Loi sur l’exécution réciproque d’ordonnances alimentaires*, le greffier envoie au tribunal d’homologation (s’il est situé en Ontario) ou au procureur général pour envoi au tribunal d’homologation (s’il est situé hors de l’Ontario) trois copies certifiées conformes de chacun des documents suivants :

1. La requête.
2. L’état financier du requérant.

3. The applicant's evidence and, if reasonably possible, the exhibits.
4. The provisional order.
5. A statement giving any information about the respondent's identification, whereabouts, income, assets and liabilities.
6. If the confirming court is in a reciprocating state, a copy of the relevant provisions of the *Family Law Act* and of the *Reciprocal Enforcement of Support Orders Act*.
7. If the confirming court is in another municipality in Ontario, proof that the application was served on the respondent.

NO FINANCIAL STATEMENT FROM FOREIGN APPLICANT

(3) When a confirming court in Ontario receives a provisional order made outside Ontario, the applicant does not have to file a financial statement.

NOTICE OF CONFIRMATION HEARING

(4) A clerk of a confirming court in Ontario who receives a provisional order shall,

- (a) serve a notice of confirmation hearing (Form 37) and a copy of the documents sent by the originating court on the respondent, by special service (subrule 6 (3)); and
- (b) mail a notice of confirmation hearing and an information sheet (Form 37A) to the applicant and to the clerk of the originating court.

RESPONDENT'S FINANCIAL STATEMENT

(5) A respondent at a confirmation hearing under section 19 of the *Divorce Act* (Canada) or under section 5 of the *Reciprocal Enforcement of Support Orders Act* shall serve and file a financial statement (Form 13) within 10 days after service of the notice of confirmation hearing.

REQUEST FOR MORE EVIDENCE

(6) A clerk of an originating court in Ontario who receives a request for more evidence from the confirming court shall mail to the applicant a notice for taking more evidence (Form 37B) and a copy of the documents sent by the confirming court.

MATERIAL TO ACCOMPANY REQUEST FOR MORE EVIDENCE

(7) If a confirming court sends a case back to the originating court for more evidence, the clerk shall send to the originating court two certified copies of the evidence taken in the confirming court.

CONTINUING THE CONFIRMATION HEARING

(8) The clerk of a confirming court who receives more evidence from the originating court shall serve the respondent with a notice of continuation of confirmation hearing (Form 37C) and a copy of the documents sent by the originating court.

NOTICE OF REGISTRATION OF EXTRA-PROVINCIAL ORDER

(9) A notice of registration of a final order from a reciprocating state under subsection 2 (2) of the *Reciprocal Enforcement of Support Orders Act* shall be in Form 37D.

TURNING AN ONTARIO ORDER INTO A REGISTERED ORDER

(10) A clerk who receives a request under subsection 2 (3) of the *Reciprocal Enforcement of Support Orders Act*,

3. Les preuves et, si cela est raisonnablement possible, les pièces fournies par le requérant.
4. L'ordonnance conditionnelle.
5. Une déclaration donnant des précisions sur l'identité de l'intimé, le lieu où il se trouve, son revenu, ses avoirs et ses obligations.
6. Si le tribunal d'homologation est situé dans un État accordant la réciprocité, une copie des dispositions applicables de la *Loi sur le droit de la famille* et de la *Loi sur l'exécution réciproque d'ordonnances alimentaires*.
7. Si le tribunal d'homologation est situé dans une autre municipalité de l'Ontario, la preuve que la requête a été signifiée à l'intimé.

ÉTAT FINANCIER NON EXIGÉ DU REQUÉRANT ÉTRANGER

(3) Si un tribunal d'homologation de l'Ontario reçoit une ordonnance conditionnelle qui a été rendue hors de l'Ontario, le requérant n'est pas tenu de déposer d'état financier.

AVIS D'AUDIENCE D'HOMOLOGATION

(4) Le greffier d'un tribunal d'homologation de l'Ontario qui reçoit une ordonnance conditionnelle :

- a) signifie à l'intimé, par voie de signification spéciale (paragraphe 6 (3)), un avis d'audience d'homologation (formule 37) et une copie des documents envoyés par le tribunal d'origine;
- b) envoie par la poste un avis d'audience d'homologation et une feuille de renseignements (formule 37A) au requérant et au greffier du tribunal d'origine.

ÉTAT FINANCIER DE L'INTIMÉ

(5) L'intimé à une audience d'homologation tenue aux termes de l'article 19 de la *Loi sur le divorce* (Canada) ou de l'article 5 de la *Loi sur l'exécution réciproque d'ordonnances alimentaires* signifie et dépose un état financier (formule 13) au plus tard 10 jours après que l'avis d'audience d'homologation lui est signifié.

DEMANDE DE PREUVES ADDITIONNELLES

(6) Le greffier d'un tribunal d'origine de l'Ontario qui reçoit une demande de preuves additionnelles de la part du tribunal d'homologation envoie par la poste au requérant un avis de demande de preuves additionnelles (formule 37B) et une copie des documents envoyés par le tribunal d'homologation.

DOCUMENTS DEVANT ACCOMPAGNER UNE DEMANDE DE PREUVES ADDITIONNELLES

(7) Si le tribunal d'homologation renvoie une cause au tribunal d'origine dans le but d'obtenir des preuves additionnelles, le greffier envoie au tribunal d'origine deux copies certifiées conformes des preuves recueillies par le tribunal d'homologation.

POURSUITE DE L'AUDIENCE D'HOMOLOGATION

(8) Le greffier d'un tribunal d'homologation qui reçoit des preuves additionnelles du tribunal d'origine signifie à l'intimé un avis de poursuite de l'audience d'homologation (formule 37C) et une copie des documents envoyés par le tribunal d'origine.

AVIS D'ENREGISTREMENT D'UNE ORDONNANCE EXTRAPROVINCIALE

(9) L'avis d'enregistrement d'une ordonnance définitive rendue dans un État accordant la réciprocité qui est mentionné au paragraphe 2 (2) de la *Loi sur l'exécution réciproque d'ordonnances alimentaires* est rédigé selon la formule 37D.

ENREGISTREMENT D'UNE ORDONNANCE DÉFINITIVE RENDUE EN ONTARIO

(10) Le greffier qui reçoit la demande mentionnée au paragraphe 2 (3) de la *Loi sur l'exécution réciproque d'ordonnances alimentaires* fait ce qui suit :

- (a) shall provide a certificate that,
 - (i) gives the date of registration, which shall be the date that the request is received, and
 - (ii) says that the final order mentioned in the request is effective from that date as a registered order for all purposes of that Act; and
- (b) shall add the request and a copy of the certificate to the continuing record.

RULE 38: APPEALS**APPEALS GOVERNED BY THIS RULE**

- 38. (1)** This rule applies to appeals under the following:

Section 48 of the *Family Law Act*

Section 73 of the *Children's Law Reform Act*

Section 69 or 156 of the *Child and Family Services Act*

Section 11 of the *Change of Name Act*

Section 40 of the *Courts of Justice Act*

APPEAL TO SUPERIOR COURT OF JUSTICE—TIME, SERVICE AND FILING OF NOTICE

(2) To start an appeal from the Ontario Court of Justice to the Superior Court of Justice under any of the provisions listed in subrule (1), a party shall,

- (a) within 30 days after the date of the order being appealed, serve a notice of appeal (Form 38), by regular service (subrule 6 (2)), on,
 - (i) every other party affected by the appeal or entitled to appeal,
 - (ii) the clerk of the court in the place where the order was made, and
 - (iii) in an appeal under section 69 of the *Child and Family Services Act*, every other person entitled to notice under subsection 39 (3) of that Act who appeared at the hearing; and
- (b) within 10 days after serving the notice under clause (a), file it.

NAME OF CASE UNCHANGED

(3) The name of a case in an appeal shall be the same as the name of the case in the order being appealed, and shall also identify the parties as appellant and respondent.

GROUND(S) STATED IN NOTICE OF APPEAL

(4) The notice of appeal shall state the order that the appellant wants the appeal court to make and the legal grounds for the appeal.

OTHER GROUNDS

(5) At the hearing of the appeal, no grounds other than the ones stated in the notice of appeal may be argued unless the court gives permission.

APPEAL RECORD AND APPELLANT'S FACTUM

(6) The appellant shall, not later than 10 days before the hearing of the appeal, serve on the respondent and file an appeal record (subrule (7)) and an appellant's factum (subrule (8)).

- a) il établit une attestation :
 - (i) qui indique la date d'enregistrement, soit la date de réception de la demande,
 - (ii) qui indique que l'ordonnance définitive mentionnée dans la demande est en vigueur à compter de cette date en tant qu'ordonnance enregistrée pour l'application de cette loi;
- b) il verse la demande et une copie de l'attestation au dossier continu.

RÈGLE 38 : APPELS**APPELS RÉGIS PAR LA PRÉSENTE RÈGLE**

38. (1) La présente règle s'applique aux appels interjetés en vertu des dispositions suivantes :

L'article 48 de la *Loi sur le droit de la famille*

L'article 73 de la *Loi portant réforme du droit de l'enfance*

L'article 69 ou 156 de la *Loi sur les services à l'enfance et à la famille*

L'article 11 de la *Loi sur le changement de nom*

L'article 40 de la *Loi sur les tribunaux judiciaires*

APPELS INTERJETÉS DEVANT LA COUR SUPÉRIEURE DE JUSTICE — SIGNIFICATION ET DÉPÔT DE L'AVIS

(2) La partie qui désire interjeter appel d'une ordonnance de la Cour de justice de l'Ontario devant la Cour supérieure de justice en vertu de l'une ou l'autre des dispositions énumérées au paragraphe (1) fait ce qui suit :

- a) elle signifie par voie de signification ordinaire (paragraphe 6 (2)), au plus tard 30 jours après la date de l'ordonnance portée en appel, un avis d'appel (formule 38) aux personnes suivantes :
 - (i) toute autre partie qui est concernée par l'appel ou qui a le droit d'interjeter appel,
 - (ii) le greffier du tribunal de l'endroit où l'ordonnance a été rendue,
 - (iii) dans le cas d'un appel interjeté en vertu de l'article 69 de la *Loi sur les services à l'enfance et à la famille*, toute autre personne qui était présente à l'audience et qui a le droit d'être avisée conformément au paragraphe 39 (3) de cette loi;
- b) elle dépose l'avis mentionné à l'alinéa a) au plus tard 10 jours après l'avoir signifié.

INTITULÉ DE LA CAUSE INCHANGÉ

(3) Dans un appel, l'intitulé de la cause est le même que celui de la cause qui figure dans l'ordonnance portée en appel, et les parties sont désignées comme appellant et intimé.

L'AVIS D'APPEL INDIQUE LES MOYENS D'APPEL

(4) L'avis d'appel indique l'ordonnance que l'appellant demande au tribunal d'appel ainsi que les moyens juridiques d'appel.

AUTRES MOYENS

(5) Lors de l'audition de l'appel, il ne peut être plaidé d'autres moyens que ceux énoncés dans l'avis d'appel, sauf avec la permission du tribunal.

DOSSIER D'APPEL ET MÉMOIRE DE L'APPELANT

(6) Au plus tard 10 jours avant l'audition de l'appel, l'appellant signifie un dossier d'appel (paragraphe (7)) et un mémoire de l'appellant (paragraphe (8)) à l'intimé et les dépose.

CONTENTS OF APPEAL RECORD

(7) The appeal record shall contain a copy of the following documents, in the following order:

1. A table of contents describing each document, including each exhibit, by its nature and date and, for an exhibit, by exhibit number or letter.
2. The notice of appeal.
3. The order being appealed, as signed, and any reasons given by the court appealed from, as well as a further printed copy of the reasons if they are handwritten.
4. A transcript of the oral evidence (which the parties to the appeal may agree to limit to the portions necessary for the appeal).
5. Any other material that was before the court appealed from and that is necessary for the appeal.

CONTENTS OF APPELLANT'S FACTUM

(8) The appellant's factum shall be not more than 30 pages long, shall be signed by the appellant's lawyer or, if none, by the appellant and shall consist of the following parts, containing paragraphs numbered consecutively from the beginning to the end of the factum:

1. Part 1: Identification. A statement identifying the appellant and respondent and the court appealed from, and stating the result in that court.
2. Part 2: Overview. A brief overview of the case and the issues on the appeal.
3. Part 3: Facts. A brief summary of the facts relevant to the appeal, with reference to the evidence by page and line as necessary.
4. Part 4: Issues. A brief statement of each issue, followed by a brief argument referring to the law relating to that issue.
5. Part 5: Order. A precise statement of the order the appeal court is asked to make, including any order for costs.
6. Part 6: Time estimate. An estimate of how much time will be needed for the appellant's oral argument, not including reply to the respondent's argument.
7. Part 7: List of authorities. A list of all statutes, regulations, rules, cases and other authorities referred to in the factum.
8. Part 8: Legislation. A copy of all relevant provisions of statutes, regulations and rules.

RESPONDENT'S FACTUM AND APPEAL RECORD

(9) The respondent shall, not later than three days before the hearing of the appeal, serve on every other party to the appeal and file,

- (a) a respondent's factum (subrule (10)); and
- (b) if applicable, a respondent's appeal record containing a copy of any material that was before the court appealed from and is necessary for the appeal but is not included in the appellant's appeal record.

CONTENTS OF RESPONDENT'S FACTUM

(10) The respondent's factum shall be not more than 30 pages long, shall be signed by the respondent's lawyer or, if none, by the respondent and shall consist of the following parts, containing paragraphs numbered consecutively from the beginning to the end of the factum:

CONTENU DU DOSSIER D'APPEL

(7) Le dossier d'appel contient une copie des documents suivants, dans l'ordre indiqué :

1. Une table des matières indiquant chaque document, y compris chaque pièce, selon sa nature et sa date et, dans le cas d'une pièce, selon son numéro ou sa lettre.
2. L'avis d'appel.
3. L'ordonnance portée en appel, telle qu'elle est signée, et les motifs donnés par le tribunal qui l'a rendue, ainsi qu'une copie imprimée des motifs s'ils sont écrits à la main.
4. La transcription des témoignages oraux qui, si les parties en conviennent, peut se limiter aux sections nécessaires aux fins de l'appel.
5. Tout autre document présenté devant le tribunal dont l'ordonnance est portée en appel et qui est nécessaire aux fins de l'appel.

CONTENU DU MÉMOIRE DE L'APPELANT

(8) Le mémoire de l'appellant ne doit pas dépasser 30 pages, est signé par l'avocat de l'appellant ou par l'appellant même s'il n'a pas d'avocat et comporte les parties suivantes, sous forme de paragraphes numérotés consécutivement du début à la fin :

1. Partie 1 : Identification. Identification de l'appellant, de l'intimé et du tribunal dont l'ordonnance est portée en appel et décision du tribunal.
2. Partie 2 : Aperçu. Bref aperçu de la cause et des questions en litige.
3. Partie 3 : Faits. Exposé succinct des faits se rapportant à l'appel, avec renvoi à la preuve par mention de la page et de la ligne si nécessaire.
4. Partie 4 : Questions en litige. Description succincte de chaque question en litige suivie d'une brève argumentation avec renvoi aux points de droit pertinents.
5. Partie 5 : Ordonnance. Exposé précis de l'ordonnance que l'appellant demande au tribunal d'appel, y compris toute ordonnance d'adjudication des dépens, le cas échéant.
6. Partie 6 : Estimation de la durée. Estimation du temps qu'il faudra pour la plaidoirie de l'appellant, sans compter la réponse à celle de l'intimé.
7. Partie 7 : Liste des éléments de doctrine et de jurisprudence. Liste exhaustive des lois, règlements, règles, causes et autres éléments de jurisprudence mentionnés dans le mémoire.
8. Partie 8 : Textes de loi. Copie de toutes les dispositions pertinentes de lois, de règlements et de règles.

MÉMOIRE ET DOSSIER D'APPEL DE L'INTIMÉ

(9) Au plus tard trois jours avant l'audition de l'appel, l'intimé signifiera à chaque autre partie et dépose :

- a) un mémoire de l'intimé (paragraphe (10));
- b) s'il y a lieu, un dossier d'appel de l'intimé contenant une copie des documents qui ont été présentés au tribunal dont l'ordonnance est portée en appel et qui sont nécessaires aux fins de l'appel mais qui ne figurent pas déjà dans le dossier d'appel de l'appellant.

CONTENU DU MÉMOIRE DE L'INTIMÉ

(10) Le mémoire de l'intimé ne doit pas dépasser 30 pages, est signé par l'avocat de l'intimé ou par l'intimé s'il n'a pas d'avocat et comporte les parties suivantes, sous forme de paragraphes numérotés consécutivement du début à la fin :

1. Part 1: Overview. A brief overview of the case and the issues on the appeal.
2. Part 2: Facts. A brief statement of the facts in the appellant's factum that the respondent accepts as correct and the facts that the respondent says are incorrect, and a brief summary of any additional facts relied on by the respondent, with reference to the evidence by page and line as necessary.
3. Part 3: Issues. A statement of the respondent's position on each issue raised by the appellant, followed by a brief argument referring to the law relating to that issue.
4. Part 4: Additional issues. A brief statement of each additional issue raised by the respondent, followed by a brief argument referring to the law relating to that issue.
5. Part 5: Order. A precise statement of the order the appeal court is asked to make, including any order for costs.
6. Part 6: Time estimate. An estimate of how much time will be needed for the respondent's oral argument.
7. Part 7: List of authorities. A list of all statutes, regulations, rules, cases and other authorities referred to in the factum.
8. Part 8: Legislation. A copy of all relevant provisions of statutes, regulations and rules not included in the appellant's factum.

PROMPT HEARING OF CFSA APPEALS

(11) An appeal under the *Child and Family Services Act* shall be heard within 30 days after the appellant's factum and appeal record are filed.

APPEALS UNDER CFSA FROM FAMILY COURT TO DIVISIONAL COURT

(12) Subrules (2) to (11) apply, with necessary changes, to an appeal under the *Child and Family Services Act* from the Family Court of the Superior Court of Justice to the Divisional Court.

MOTION FOR PERMISSION TO APPEAL TEMPORARY ORDER TO DIVISIONAL COURT

(13) On a motion for permission to appeal a temporary order to the Divisional Court under clause 19 (1) (b) of the *Courts of Justice Act*, the following apply:

1. A motion made in Toronto shall be heard by a judge of the Divisional Court (other than the one who made the order to be appealed). A motion made anywhere else may be heard by any judge other than the one who made the order to be appealed.
2. The notice of motion shall be served and filed within 30 days after the date of the order to be appealed.
3. Permission to appeal shall not be given unless,
 - i. there is a conflicting decision by another judge or court in Ontario or elsewhere on the matter involved in the proposed appeal, or there appears to the judge hearing the motion good reason to doubt the correctness of the order in question, and
 - ii. in the judge's opinion, permission to appeal should be granted.

1. Partie 1 : Aperçu. Bref aperçu de la cause et des questions en litige.
2. Partie 2 : Faits. Exposé succinct des faits présentés dans le mémoire de l'appellant avec lesquels l'intimé est d'accord et de ceux avec lesquels il n'est pas d'accord et exposé succinct des faits additionnels, le cas échéant, qu'il invoque, avec renvoi à la preuve par mention de la page et de la ligne si nécessaire.
3. Partie 3 : Questions en litige. Exposé de la position de l'intimé sur chaque question en litige soulevée par l'appellant, suivi d'une brève argumentation avec renvoi aux points de droit pertinents.
4. Partie 4 : Questions en litige additionnelles. Description succincte de chaque question en litige additionnelle soulevée par l'intimé, suivie d'une brève argumentation avec renvoi aux points de droit pertinents.
5. Partie 5 : Ordonnance. Exposé précis de l'ordonnance que l'intimé demande au tribunal d'appel, y compris toute ordonnance d'adjudication des dépens, le cas échéant.
6. Partie 6 : Estimation de la durée. Estimation du temps qu'il faudra pour la plaidoirie de l'intimé.
7. Partie 7 : Liste des éléments de doctrine et de jurisprudence. Liste exhaustive des lois, règlements, règles, causes et autres éléments de jurisprudence mentionnés dans le mémoire.
8. Partie 8 : Textes de loi. Copie de toutes les dispositions pertinentes de lois, de règlements et de règles qui ne sont pas déjà incluses dans le mémoire de l'appellant.

APPELS INTERJETÉS EN VERTU DE LA LOI SUR LES SERVICES À L'ENFANCE ET À LA FAMILLE

(11) L'appel interjeté en vertu de la *Loi sur les services à l'enfance et à la famille* est entendu au plus tard 30 jours après le dépôt du mémoire et du dossier d'appel de l'appellant.

APPEL DES ORDONNANCES DE LA COUR DE LA FAMILLE DEVANT LA COUR DIVISIONNAIRE

(12) Les paragraphes (2) à (11) s'appliquent, avec les adaptations nécessaires, aux appels des ordonnances de la Cour de la famille de la Cour supérieure de justice interjetés en vertu de la *Loi sur les services à l'enfance et à la famille* devant la Cour divisionnaire.

MOTION EN PERMISSION D'INTERJETER APPEL D'UNE ORDONNANCE TEMPORAIRE DEVANT LA COUR DIVISIONNAIRE

(13) Les règles suivantes s'appliquent à l'égard d'une motion en permission d'interjeter appel d'une ordonnance temporaire devant la Cour divisionnaire en vertu de l'alinéa 19 (1) b) de la *Loi sur les tribunaux judiciaires* :

1. La motion qui est présentée à Toronto est entendue par un juge de la Cour divisionnaire (qui est différent de celui qui a rendu l'ordonnance devant être portée en appel). La motion qui est présentée ailleurs peut être entendue par n'importe quel juge, sauf celui qui a rendu l'ordonnance qui doit être portée en appel.
2. L'avis de motion est signifié et déposé dans un délai de 30 jours à compter de la date de l'ordonnance qui doit être portée en appel.
3. La permission d'interjeter appel n'est accordée que si les conditions suivantes sont réunies :
 - i. un autre juge ou un autre tribunal de l'Ontario ou d'ailleurs a rendu une décision incompatible sur la question qui fait l'objet de l'appel projeté ou le juge qui entend la motion a de bonnes raisons de douter du bien-fondé de l'ordonnance en cause,
 - ii. le juge est d'avis que la permission d'interjeter appel devrait être accordée.

4. The party asking for permission to appeal shall, when filing the notice of motion, request that the continuing record be sent to the judge hearing the motion.
5. Each party shall serve a factum as described in subrule (8) (appellant's factum) and file it not later than 2 p.m. on the day before the motion is heard.
6. The party asking for permission to appeal shall file a confirmation form (Form 14C) not later than 2 p.m. on the day before the motion is heard.
7. The judge shall give brief written reasons if permission to appeal is given.
8. The appellant shall serve and file the notice of appeal within seven days after permission is given.
9. The appeal is governed by the Rules of Civil Procedure and these rules do not apply.

RULE 39: CASE MANAGEMENT IN FAMILY COURT OF SUPERIOR COURT OF JUSTICE

CASE MANAGEMENT IN CERTAIN AREAS ONLY

39. (1) This rule applies only to cases in the Family Court of the Superior Court of Justice, which has jurisdiction in the municipalities listed in subrule 1 (3).

ENFORCEMENT AND CHILD PROTECTION EXCLUDED

(2) This rule does not apply to enforcements or to child protection cases.

PARTIES MAY NOT LENGTHEN TIMES

(3) A time set out in this rule may be lengthened only by order of the case management judge and not by the parties' consent under subrule 3 (6).

FAST TRACK

(4) Applications to which this rule applies, except the ones mentioned in subrule (7), and motions to change a final order or agreement are fast track cases (subrules (5) and (6)).

FAST TRACK—FIRST COURT DATE

(5) In a fast track case the clerk shall, on or before the first court date,

- (a) confirm that all necessary documents have been served and filed;
- (b) refer the parties to sources of information about the court process, alternatives to court (including mediation), the effects of separation and divorce on children and community resources that may help the parties and their children;
- (c) if no answer has been filed in response to an application, or if no affidavit has been filed in response to a motion to change a final order or agreement, send the case to a judge for a decision on the basis of affidavit evidence; and
- (d) if an answer has been filed in response to an application, or if an affidavit has been filed in response to a motion to change a final order or agreement, confirm that the case is ready for a hearing, case conference or settlement conference and schedule it accordingly.

4. La partie qui demande la permission d'interjeter appel demande, au moment où elle dépose l'avis de motion, que le dossier continu soit envoyé au juge qui entendra la motion.
5. Chaque partie signifie un mémoire conforme au paragraphe (8) (mémoire de l'appellant) et le dépose au plus tard à 14 heures le jour où la motion doit être entendue.
6. La partie qui demande la permission d'interjeter appel dépose une confirmation (formule 14C) au plus tard à 14 heures le jour où la motion doit être entendue.
7. Si la permission d'interjeter appel est accordée, le juge en donne brièvement les motifs par écrit.
8. L'appelant signifie et dépose l'avis d'appel au plus tard sept jours après que la permission est accordée.
9. L'appel est régi par les Règles de procédure civile et les présentes règles ne s'appliquent pas à lui.

RÈGLE 39 : GESTION DES CAUSES PORTÉES DEVANT LA COUR DE LA FAMILLE DE LACOUR SUPÉRIEURE DE JUSTICE

GESTION DES CAUSES DANS CERTAINS SECTEURS SEULEMENT

39. (1) La présente règle ne s'applique qu'aux causes portées devant la Cour de la famille de la Cour supérieure de justice, qui a compétence dans les municipalités énumérées au paragraphe 1 (3).

EXCLUSION DES PROCÉDURES D'EXÉCUTION ET DES CAUSES PORTANT SUR LA PROTECTION D'UN ENFANT

(2) La présente règle ne s'applique ni aux procédures d'exécution ni aux causes portant sur la protection d'un enfant.

INHABILITÉ DES PARTIES À PROLONGER LES DÉLAIS

(3) Tout délai fixé dans la présente règle ne peut être prolongé que par ordonnance du juge responsable de la gestion de la cause et non pas du consentement des parties prévu au paragraphe 3 (6).

VOIE ACCÉLÉRÉE

(4) Les requêtes auxquelles s'applique la présente règle, sauf celles mentionnées au paragraphe (7), ainsi que les motions en modification d'une ordonnance définitive ou d'un accord constituent des causes régies par la voie accélérée (paragraphe (5) et (6)).

VOIE ACCÉLÉRÉE — PREMIÈRE DATE D'AUDIENCE

(5) Dans une cause régie par la voie accélérée, le greffier, au plus tard à la première date d'audience, fait ce qui suit :

- a) il confirme que tous les documents nécessaires ont été signifiés et déposés;
- b) il renvoie les parties à des sources d'information au sujet du processus judiciaire, des modes de règlement extrajudiciaire (y compris la médiation), des effets de la séparation et du divorce sur les enfants et des ressources communautaires susceptibles d'aider les parties et leurs enfants;
- c) si aucune défense n'a été déposée en réponse à une requête, ou si aucun affidavit n'a été déposé en réponse à une motion en modification d'une ordonnance définitive ou d'un accord, il renvoie la cause à un juge pour qu'il rende une décision sur la foi des témoignages donnés par affidavit;
- d) si une défense a été déposée en réponse à une requête, ou si un affidavit a été déposé en réponse à une motion en modification d'une ordonnance définitive ou d'un accord, il confirme que la cause est prête pour la tenue d'une audience, d'une conférence relative à la cause ou d'une conférence en vue d'un règlement amiable et en fixe la date en conséquence.

FAST TRACK—CASE MANAGEMENT JUDGE ASSIGNED AT START

(6) In a fast track case, a case management judge shall be assigned by the first time the case comes before a judge.

STANDARD TRACK

(7) Applications in which the applicant makes a claim for a divorce or a property claim are standard track cases (subrule (8)).

FEATURES OF STANDARD TRACK

(8) In a standard track case,

- (a) the clerk shall not set a court date when the application is filed;
- (b) a case management judge shall be assigned when a case conference is scheduled or when a notice of motion is served before a case conference has been held (subrule 14 (4), (5) or (6)), whichever comes first; and
- (c) the clerk shall schedule a case conference on any party's request.

FUNCTIONS OF CASE MANAGEMENT JUDGE

- (9) The case management judge assigned to a case,
 - (a) shall generally supervise its progress;
 - (b) shall conduct the case conference and the settlement conference;
 - (c) may schedule a case conference or settlement conference at any time, on the judge's own initiative;
 - (d) shall hear motions in the case, when available to hear motions; and
 - (e) may, on motion, set aside an order of the clerk under subrule (12).

SUBSTITUTE CASE MANAGEMENT JUDGE

(10) If the case management judge is, for any reason, unavailable to continue as the case management judge, another case management judge may be assigned for part or all of the case.

NOTICE, CASE NOT SCHEDULED FOR TRIAL AFTER 200 DAYS

(11) If a case has not been scheduled for trial within 200 days after it was started, the clerk shall serve a notice (Form 39) on the parties by mail, fax or electronic mail saying that the case will be dismissed without further notice unless one of the parties, within 30 days after the notice is served,

- (a) files an agreement signed by all parties and their lawyers, if any, for a final order disposing of all issues in the case, and a notice of motion for an order carrying out the agreement; or
- (b) arranges a case conference or settlement conference for the first available date.

VOIE ACCÉLÉRÉE — AFFECTATION D'UN JUGE RESPONSABLE DE LA GESTION DE LA CAUSE DÈS LE DÉBUT

(6) Un juge responsable de la gestion de la cause est affecté à une cause régie par la voie accélérée avant que la cause ne soit portée devant un juge pour la première fois.

VOIE ORDINAIRE

(7) Les requêtes dans lesquelles le requérant présente une demande de divorce ou une demande portant sur des biens constituent des causes régies par la voie ordinaire (paragraphe (8)).

CARACTÉRISTIQUES DE LA VOIE ORDINAIRE

(8) Dans le cas d'une cause régie par la voie ordinaire

- a) le greffier ne fixe pas de date d'audience lors du dépôt de la requête;
- b) un juge responsable de la gestion de la cause est affecté à la cause dès qu'une date pour la tenue d'une conférence relative à la cause est fixée ou qu'un avis de motion est signifié avant qu'une conférence relative à la cause n'ait été tenue (paragraphe 14 (4), (5) ou (6)), selon celui de ces deux événements qui se produit le premier;
- c) le greffier fixe une date pour la tenue d'une conférence relative à la cause à la demande d'une partie quelconque.

FONCTIONS DU JUGE RESPONSABLE DE LA GESTION DE LA CAUSE

(9) Le juge responsable de la gestion de la cause affecté à une cause :

- a) en surveille le déroulement de façon générale;
- b) tient la conférence relative à la cause et la conférence en vue d'un règlement amiable;
- c) peut, à quelque moment que ce soit et de sa propre initiative, fixer une date pour la tenue d'une conférence relative à la cause ou d'une conférence en vue d'un règlement amiable;
- d) entend les motions présentées dans le cadre de la cause, lorsqu'il est disponible pour le faire;
- e) peut, sur motion, annuler une ordonnance du greffier rendue aux termes du paragraphe (12).

JUGE RESPONSABLE DE LA GESTION DE LA CAUSE SUPPLÉANT

(10) Si le juge responsable de la gestion de la cause n'est pas en mesure, pour quelque raison que ce soit, de continuer à agir à ce titre, un autre juge responsable de la gestion de la cause peut être affecté à tout ou partie de la cause.

PRÉAVIS DANS LE CAS OÙ LA DATE DU PROCÈS N'EST PAS FIXÉE DANS LES 200 JOURS

(11) Si la date du procès n'a pas été fixée dans les 200 jours suivant l'introduction de la cause, le greffier signifie aux parties par la poste, par télécopie ou par courrier électronique un préavis (formule 39) indiquant que la cause sera rejetée sans autre avis, sauf si une des parties, dans les 30 jours qui suivent la signification du préavis :

- a) soit dépose un accord signé par toutes les parties et leurs avocats, si elles en ont un, prévoyant l'obtention d'une ordonnance définitive tranchant toutes les questions en litige dans la cause, ainsi qu'un avis de motion visant l'obtention d'une ordonnance en exécution de l'accord;
- b) soit prend les dispositions nécessaires pour qu'une conférence relative à la cause ou une conférence en vue d'un règlement amiable soit tenue à la première date qui se présente

DISMISSAL AFTER NOTICE

(12) If the clerk serves a notice under subrule (11) and no party takes any of the steps set out in clauses (11) (a) and (b) within 30 days after the notice is served, the clerk shall prepare and sign an order dismissing the case, with no costs payable by any party.

SERVICE OF DISMISSAL ORDER BY CLERK

(13) The clerk shall serve the order on each party by mail, fax or electronic mail.

SERVICE OF DISMISSAL ORDER BY LAWYER ON CLIENT

(14) A lawyer who is served with a dismissal order on behalf of a client shall serve it on the client by mail, fax or electronic mail and file proof of service of the order.

TRANSITIONAL PROVISION

(15) If a case was started before these rules come into effect, but a party serves and files a document or requests a case conference after they come into effect,

- (a) the clerk shall serve the notice (Form 39) mentioned in subrule (11) if the case has not been scheduled for trial within 200 days after it was started or within 90 days after the party files the document or requests the case conference, whichever comes later; and
- (b) once the notice is served, this rule applies with necessary changes.

RULE 40: CASE MANAGEMENT IN ONTARIO COURT OF JUSTICE**CASE MANAGEMENT IN CERTAIN AREAS ONLY**

40. (1) This rule applies only to cases in the Ontario Court of Justice.

ENFORCEMENT AND CHILD PROTECTION EXCLUDED

(2) This rule does not apply to enforcements or to child protection cases.

PARTIES MAY NOT LENGTHEN TIMES

(3) A time set out in this rule may be lengthened only by order and not by the parties' consent under subrule 3 (6).

FIRST COURT DATE

- (4) The clerk shall, on or before the first court date,
 - (a) confirm that all necessary documents have been served and filed;
 - (b) refer the parties to sources of information about the court process, alternatives to court (including mediation), the effects of separation and divorce on children and community resources that may help the parties and their children;
 - (c) if no answer has been filed in response to an application, or if no affidavit has been filed in response to a motion to change a final order or agreement, send the case to a judge for a decision on the basis of affidavit evidence; and

REJET CONSÉCUTIF AU PRÉAVIS

(12) S'il signifie le préavis prévu au paragraphe (11) et qu'aucune partie ne prend l'une ou l'autre des mesures énoncées aux alinéas (11) a) et b) dans les 30 jours qui suivent la signification du préavis, le greffier prépare et signe une ordonnance rejetant la cause, sans qu'aucuns dépens soient imputés à une partie quelconque.

SIGNIFICATION DE L'ORDONNANCE DE REJET PAR LE GREFFIER

(13) Le greffier signifie l'ordonnance à chaque partie par la poste, par télécopie ou par courrier électronique.

SIGNIFICATION DE L'ORDONNANCE DE REJET PAR L'AVOCAT À SON CLIENT

(14) L'avocat à qui est signifiée une ordonnance de rejet au nom de son client la signifie à ce dernier par la poste, par télécopie ou par courrier électronique et en dépose la preuve de la signification.

DISPOSITION TRANSITOIRE

(15) Si une cause a été introduite avant l'entrée en vigueur des présentes règles, mais qu'une partie signifie et dépose un document ou demande la tenue d'une conférence relative à la cause après leur entrée en vigueur :

- a) d'une part, le greffier signifie le préavis (formule 39) mentionné au paragraphe (11) si la date du procès n'a pas été fixée dans les 200 jours suivant l'introduction de la cause ou dans les 90 jours suivant le dépôt du document par la partie ou la demande par celle-ci de la tenue de la conférence relative à la cause, selon celui de ces deux événements qui survient le dernier;
- b) d'autre part, une fois le préavis signifié, la présente règle s'applique avec les adaptations nécessaires.

RÈGLE 40 : GESTION DES CAUSES PORTÉES DEVANT LA COUR DE JUSTICE DE L'ONTARIO**GESTION DES CAUSES DANS CERTAINS SECTEURS SEULEMENT**

40. (1) La présente règle ne s'applique qu'aux causes portées devant la Cour de justice de l'Ontario.

EXCLUSION DES PROCÉDURES D'EXÉCUTION ET DES CAUSES PORTANT SUR LA PROTECTION D'UN ENFANT

(2) La présente règle ne s'applique ni aux procédures d'exécution ni aux causes portant sur la protection d'un enfant.

INHABILITÉ DES PARTIES À PROLONGER LES DÉLAIS

(3) Tout délai fixé dans la présente règle ne peut être prolongé que par ordonnance et non pas du consentement des parties prévu au paragraphe 3 (6).

PREMIÈRE DATE D'AUDIENCE

- (4) Le greffier, au plus tard à la première date d'audience, fait ce qui suit :
 - a) il confirme que tous les documents nécessaires ont été signifiés et déposés;
 - b) il renvoie les parties à des sources d'information au sujet du processus judiciaire, des modes de règlement extrajudiciaire (y compris la médiation), des effets de la séparation et du divorce sur les enfants et des ressources communautaires susceptibles d'aider les parties et leurs enfants;
 - c) si aucune défense n'a été déposée en réponse à une requête, ou si aucun affidavit n'a été déposé en réponse à une motion en modification d'une ordonnance définitive ou d'un accord, il renvoie la cause à un juge pour qu'il rende une décision sur la foi des témoignages donnés par affidavit;

- (d) if an answer has been filed in response to an application, or if an affidavit has been filed in response to a motion to change a final order or agreement, confirm that the case is ready for a hearing, case conference or settlement conference and schedule it accordingly.

NOTICE, CASE NOT SCHEDULED FOR TRIAL AFTER 200 DAYS

(5) If a case has not been scheduled for trial within 200 days after it was started, the clerk shall serve a notice (Form 39) on the parties by mail, fax or electronic mail saying that the case will be dismissed without further notice unless one of the parties, within 30 days after the notice is served,

- (a) files an agreement signed by all parties and their lawyers, if any, for a final order disposing of all issues in the case, and a notice of motion for an order carrying out the agreement; or
- (b) arranges a case conference or settlement conference for the first available date.

DISMISSAL AFTER NOTICE

(6) If the clerk serves a notice under subrule (5) and no party takes any of the steps set out in clauses (5) (a) and (b) within 30 days after the notice is served, the clerk shall prepare and sign an order dismissing the case, with no costs payable by any party.

SERVICE OF DISMISSAL ORDER BY CLERK

(7) The clerk shall serve the order on each party by mail, fax or electronic mail.

SERVICE OF DISMISSAL ORDER BY LAWYER ON CLIENT

(8) A lawyer who is served with a dismissal order on behalf of a client shall serve it on the client by mail, fax or electronic mail and file proof of service of the order.

JUDGE MAY SET CLERK'S ORDER ASIDE

(9) A judge may, on motion, set aside an order of the clerk under subrule (6).

TRANSITIONAL PROVISION

(10) If a case was started before these rules come into effect, but a party serves and files a document or requests a case conference after they come into effect,

- (a) the clerk shall serve the notice (Form 39) mentioned in subrule (5) if the case has not been scheduled for trial within 200 days after it was started or within 90 days after the party files the document or requests the case conference, whichever comes later; and
- (b) once the notice is served, subrules (5) to (9) apply with necessary changes.

41. Regulation 202 of the Revised Regulations of Ontario, 1990 and Ontario Regulations 72/92, 468/93, 282/95, 429/97, 215/98 and 294/98 are revoked.

42. Regulation 199 of the Revised Regulations of Ontario, 1990 and Ontario Regulations 705/91, 71/92, 467/93, 428/97, 216/98 and 293/98 are revoked.

- d) si une défense a été déposée en réponse à une requête, ou si un affidavit a été déposé en réponse à une motion en modification d'une ordonnance définitive ou d'un accord, il confirme que la cause est prête pour la tenue d'une audience, d'une conférence relative à la cause ou d'une conférence en vue d'un règlement amiable et en fixe la date en conséquence.

PRÉAVIS DANS LE CAS OÙ LA DATE DU PROCÈS N'EST PAS FIXÉE DANS LES 200 JOURS

(5) Si la date du procès n'a pas été fixée dans les 200 jours suivant l'introduction de la cause, le greffier signifie aux parties par la poste, par télécopie ou par courrier électronique un préavis (formule 39) indiquant que la cause sera rejetée sans autre avis, sauf si une des parties, dans les 30 jours qui suivent la signification du préavis :

- a) soit dépose un accord signé par toutes les parties et leurs avocats, si elles en ont un, prévoyant l'obtention d'une ordonnance définitive tranchant toutes les questions en litige dans la cause, ainsi qu'un avis de motion visant l'obtention d'une ordonnance en exécution de l'accord;
- b) soit prend les dispositions nécessaires pour qu'une conférence relative à la cause ou une conférence en vue d'un règlement amiable soit tenue à la première date qui se présente

REJET CONSÉCUTIF AU PRÉAVIS

(6) S'il signifie le préavis prévu au paragraphe (5) et qu'aucune partie ne prend l'une ou l'autre des mesures énoncées aux alinéas (5) a) et b) dans les 30 jours qui suivent la signification du préavis, le greffier prépare et signe une ordonnance rejetant la cause, sans qu'aucuns dépens soient imputés à une partie quelconque.

SIGNIFICATION DE L'ORDONNANCE DE REJET PAR LE GREFFIER

(7) Le greffier signifie l'ordonnance à chaque partie par la poste, par télécopie ou par courrier électronique.

SIGNIFICATION DE L'ORDONNANCE DE REJET PAR L'AVOCAT À SON CLIENT

(8) L'avocat à qui est signifiée une ordonnance de rejet au nom de son client la signifie à ce dernier par la poste, par télécopie ou par courrier électronique et en dépose la preuve de la signification.

ANNULATION DE L'ORDONNANCE PAR UN JUGE

(9) Un juge peut, sur motion, annuler une ordonnance du greffier rendue aux termes du paragraphe (6).

DISPOSITION TRANSITOIRE

(10) Si une cause a été introduite avant l'entrée en vigueur des présentes règles, mais qu'une partie signifie et dépose un document ou demande la tenue d'une conférence relative à la cause après leur entrée en vigueur :

- a) d'une part, le greffier signifie le préavis (formule 39) mentionné au paragraphe (5) si la date du procès n'a pas été fixée dans les 200 jours suivant l'introduction de la cause ou dans les 90 jours suivant le dépôt du document par la partie ou la demande par celle-ci de la tenue de la conférence relative à la cause, selon celui de ces deux événements qui survient le dernier;
- b) d'autre part, une fois le préavis signifié, les paragraphes (5) à (9) s'appliquent avec les adaptations nécessaires.

41. Le Règlement 202 des Règlements refondus de l'Ontario de 1990 et les Règlements de l'Ontario 72/92, 468/93, 282/95, 429/97, 215/98 et 294/98 sont abrogés.

42. Le Règlement 199 des Règlements refondus de l'Ontario de 1990 et les Règlements de l'Ontario 705/91, 71/92, 467/93, 428/97, 216/98 et 293/98 sont abrogés.

43. This Regulation comes into force on September 15, 1999.

43. Le présent règlement entre en vigueur le 15 septembre 1999.

TABLE OF FORMS

Form number	Title	Rule creating form
4	Notice of change in representation	4 (10)
6	Acknowledgment of service (prepaid return postcard)	6 (3)
6A	Advertisement	6 (17)
6B	Affidavit of service	6 (19)
8	Application (general)	8 (1)
8A	Application (divorce)	8 (1)
8B	Application (child protection and status review)	8 (1)
8C	Application (secure treatment)	8 (1)
8D	Application (adoption)	8 (1)
8E	Summary of court cases	8 (1)
10	Answer	10 (1)
10A	Reply	10 (6)
12	Notice of withdrawal	12 (1)
13	Financial statement	13 (1)
13A	Direction to Department of National Revenue, Taxation	13 (7)
13B	Net family property statement	13 (14)
14	Notice of motion	14 (9)
14A	Affidavit	14 (9)
14B	Motion form	14 (10)
14C	Confirmation	14 (11)
14D	Order on motion without notice	14 (14)
15	Change information form (motion to change child support)	15 (10)
15A	Consent (motion to change child support)	15 (10)
17	Case conference brief	17 (13)
17A	Settlement conference brief	17 (13)
17B	Trial management conference brief	17 (13)
20	Request for information	20 (3)
20A	Authorization to commissioner	20 (14)

TABLEAU DES FORMULES

Numéro de la formule	Titre	Règle créant la formule
4	Avis de changement de représentation	4 (10)
6	Accusé de réception de la signification (carte postale de réponse affranchie)	6 (3)
6A	Annonce	6 (17)
6B	Affidavit de signification	6 (19)
8	Requête (formule générale)	8 (1)
8A	Requête (divorce)	8 (1)
8B	Requête (protection d'un enfant et révision de statut)	8 (1)
8C	Requête (traitement en milieu fermé et prorogation du traitement en milieu fermé)	8 (1)
8D	Requête (adoption)	8 (1)
8E	Résumé des causes	8 (1)
10	Défense	10 (1)
10A	Réponse	10 (6)
12	Avis de retrait	12 (1)
13	État financier	13 (1)
13A	Directive à l'intention du ministère du Revenu national, Impôt	13 (7)
13B	État des biens familiaux nets	13 (14)
14	Avis de motion	14 (9)
14A	Affidavit (formule générale)	14 (9)
14B	Formule de motion	14 (10)
14C	Confirmation	14 (11)
14D	Ordonnance sur motion présentée sans préavis	14 (14)
15	Formule de renseignements visant une modification (motion en modification des aliments pour les enfants)	15 (10)
15A	Consentement (motion en modification des aliments pour les enfants)	15 (10)
17	Mémoire de conférence relative à la cause	17 (13)
17A	Mémoire de conférence en vue d'un règlement amiable	17 (13)
17B	Mémoire de conférence de gestion du procès	17 (13)
20	Demande de renseignements	20 (3)
20A	Autorisation du commissaire	20 (14)

Form number	Title	Rule creating form
20B	Letter of request	20 (14)
22	Request to admit	22 (2)
22A	Response to request to admit	22 (4)
23	Summons to witness	23 (3)
23A	Summons to witness outside Ontario	23 (8)
23B	Order for prisoner's attendance	23 (10)
23C	Affidavit for uncontested trial	23 (22)
25	Order (general)	25 (2)
25A	Divorce order	25 (2)
25B	Secure treatment order	25 (2)
25C	Adoption order	25 (2)
25D	Order (uncontested trial)	25 (2)
25E	Notice disputing approval of order	25 (5)
26	Statement of money owed	26 (5)
26A	Affidavit of enforcement expenses	26 (8)
26B	Affidavit for filing domestic contract or paternity agreement	26 (9)
26C	Notice of transfer of enforcement	26 (14)
27	Request for financial statement	27 (1)
27A	Request for statement of income	27 (7)
27B	Statement of income	27 (7)
27C	Appointment for financial examination	27 (11)
28	Writ of seizure and sale	28 (1)
28A	Request for writ of seizure and sale	28 (1)
28B	Statutory declaration to sheriff	28 (2)
28C	Writ of temporary seizure	28 (10)
29	Request for garnishment	29 (1)
29A	Notice of garnishment (lump sum debt)	29 (1)
29B	Notice of garnishment (periodic debt)	29 (1)
29C	Notice to co-owner of debt	29 (8)
29D	Statutory declaration of indexed support	29 (14)

Numéro de la formule	Titre	Règle créant la formule
20B	Lettre de demande	20 (14)
22	Demande d'admission	22 (2)
22A	Réponse à la demande d'admission	22 (4)
23	Assignation d'un témoin	23 (3)
23A	Assignation d'un témoin de l'extérieur de l'Ontario	23 (8)
23B	Ordonnance de comparution d'un(e) détenu(e)	23 (10)
23C	Affidavit pour un procès non contesté	23 (22)
25	Ordonnance (formule générale)	25 (2)
25A	Ordonnance de divorce	25 (2)
25B	Ordonnance portant sur le traitement en milieu fermé	25 (2)
25C	Ordonnance d'adoption	25 (2)
25D	Ordonnance (procès non contesté)	25 (2)
25E	Avis de contestation de l'approbation de l'ordonnance	25 (5)
26	État des sommes dues	26 (5)
26A	Affidavit des frais d'exécution	26 (8)
26B	Affidavit pour le dépôt d'un contrat familial ou d'un accord de paternité au tribunal	26 (9)
26C	Avis de transfert d'exécution	26 (14)
27	Demande d'état financier	27 (1)
27A	Demande d'état des revenus	27 (7)
27B	État des revenus versés par la source de revenu	27 (7)
27C	Convocation à un interrogatoire sur la situation financière	27 (11)
28	Bref de saisie-exécution	28 (1)
28A	Demande de bref de saisie-exécution	28 (1)
28B	Déclaration solennelle au shérif	28 (2)
28C	Bref de saisie temporaire	28 (10)
29	Demande de saisie-arrêt	29 (1)
29A	Avis de saisie-arrêt (somme forfaitaire)	29 (1)
29B	Avis de saisie-arrêt (somme périodique)	29 (1)
29C	Avis aux cotitulaires de créances	29 (8)
29D	Déclaration solennelle sur l'indexation des aliments	29 (14)

Form number	Title	Rule creating form
29E	Dispute (payor)	29 (16)
29F	Dispute (garnishee)	29 (16)
29G	Dispute (co-owner of debt)	29 (16)
29H	Notice of garnishment hearing	29 (17)
29I	Notice to stop garnishment	29 (31)
30	Notice of default hearing	30 (1)
30A	Request for default hearing	30 (1)
30B	Default dispute	30 (3)
31	Notice of contempt motion	31 (2)
32	Bond (recognizance)	32 (2)
32A	Notice of forfeiture motion	32 (7)
32B	Warrant for arrest	32 (12)
32C	Affidavit for warrant of committal	32 (14)
32D	Warrant of committal	32 (15)
33	Information for warrant to apprehend child	33 (7)
33A	Warrant to apprehend child	33 (7)
33B	Plan of care for child	33 (7)
33C	Statement of agreed facts (child protection)	33 (7)
33D	Statement of agreed facts (status review)	33 (7)
33E	Child's consent to secure treatment	33 (8)
33F	Consent to secure treatment (person other than child)	33 (8)
34	Child's consent to adoption	34 (4)
34A	Affidavit of parentage	34 (4)
34B	Non-parent's consent to adoption by spouse	34 (4)
34C	Director's or local director's statement on adoption	34 (4)
34D	Affidavit of adoption applicant(s)	34 (4)
34E	Director's consent to adoption	34 (6)
34F	Parent's or custodian's consent to adoption	34 (7)
34G	Affidavit of adoption licensee or society employee	34 (7)

Numéro de la formule	Titre	Règle créant la formule
29E	Contestation du payeur ou de la payeuse	29 (16)
29F	Contestation du tiers saisi	29 (16)
29G	Contestation du ou de la cotitulaire de la créance	29 (16)
29H	Avis d'audience sur la saisie-arrêt	29 (17)
29I	Avis de suspension de la saisie-arrêt	29 (31)
30	Avis d'audience sur le défaut	30 (1)
30A	Demande d'audience sur le défaut	30 (1)
30B	Contestation du défaut	30 (3)
31	Avis de motion pour outrage	31 (2)
32	Cautionnement (engagement)	32 (2)
32A	Avis de motion en confiscation	32 (7)
32B	Mandat d'arrêt	32 (12)
32C	Affidavit pour un mandat d'incarcération	32 (14)
32D	Mandat d'incarcération	32 (15)
33	Dénonciation en vue d'obtenir un mandat d'amener un enfant	33 (7)
33A	Mandat d'amener un enfant	33 (7)
33B	Programme de soins d'un enfant	33 (7)
33C	Exposé conjoint des faits (protection de l'enfance)	33 (7)
33D	Exposé conjoint des faits (révision de statut)	33 (7)
33E	Consentement de l'enfant au traitement en milieu fermé	33 (8)
33F	Consentement au traitement en milieu fermé (personne autre que l'enfant)	33 (8)
34	Consentement de l'enfant à l'adoption	34 (4)
34A	Affidavit de filiation	34 (4)
34B	Consentement d'une personne autre que le père ou la mère à l'adoption par le conjoint	34 (4)
34C	Déclaration du directeur ou du directeur local au sujet de l'adoption	34 (4)
34D	Affidavit du/de la requérant(e) qui demande l'adoption	34 (4)
34E	Consentement du directeur à l'adoption	34 (6)
34F	Consentement du père, de la mère ou du gardien à l'adoption	34 (7)
34G	Affidavit du titulaire de permis ou de l'employé de la société	34 (7)

Form number	Title	Rule creating form
34H	Affidavit of adopting relative or step-parent	34 (8)
34I	Parent's consent to adoption by spouse	34 (9)
34J	Affidavit of execution and independent legal advice (Children's Lawyer)	34 (10)
34K	Certificate of clerk (adoption)	34 (15)
36	Affidavit for divorce	36 (5)
36A	Certificate of clerk (divorce)	36 (7)
36B	Divorce certificate	36 (8)
37	Notice of confirmation hearing	37 (4)
37A	Information sheet (confirmation hearing)	37 (4)
37B	Notice for taking more evidence	37 (6)
37C	Notice of continuation of confirmation hearing	37 (8)
37D	Notice of registration of final order from reciprocating state	37 (9)
38	Notice of appeal	38 (2)
39	Notice of Approaching Dismissal	39 (11)

Numéro de la formule	Titre	Règle créant la formule
34H	Affidavit du parent adoptif ou du conjoint adoptif du père ou de la mère	34 (8)
34I	Consentement du père ou de la mère à l'adoption par le conjoint	34 (9)
34J	Affidavit de témoin à la signature attestant la fourniture de conseils juridiques indépendants (avocat des enfants)	34 (10)
34K	Attestation du greffier (adoption)	34 (15)
36	Affidavit de divorce	36 (5)
36A	Attestation du greffier (divorce)	36 (7)
36B	Certificat de divorce	36 (8)
37	Avis d'audience d'homologation	37 (4)
37A	Feuille de renseignements (audience d'homologation)	37 (4)
37B	Avis de demande de preuves additionnelles	37 (6)
37C	Avis de poursuite de l'audience d'homologation	37 (8)
37D	Avis d'enregistrement d'une ordonnance définitive	37 (9)
38	Avis d'appel	38 (2)
39	Préavis de rejet imminent	39 (11)

Court File Number

(Name of court)

**Form 4: Notice of
Change in Representation**

at

Court office address

Applicant(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Respondent(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

**TO ALL PARTIES AND THEIR LAWYERS
FROM (name)**

- ☐ I have chosen a new lawyer. See details in the large box →
- ☐ I have decided to appear in court without a lawyer. Documents can be served on me at the address set out in the large box →
- ☐ I have the court's permission to be represented by a person who is not a lawyer. See the large box. A copy of the court order giving me permission is attached to this notice.

Name, address, telephone & fax numbers and e-mail address

Signature

Date of signature

- NOTE:** 1. You must serve this notice on the lawyers for all of the other parties. If another party does not have a lawyer, you must serve it on the party. If you have been represented by a lawyer or other person who, because of this notice, is no longer going to represent you, you must also serve this notice on that lawyer or other person who used to represent you.
2. You can serve by any method set out in rule 6 of the Family Law Rules, including mail, courier and fax.
3. When you have served this notice, you must file it with the clerk of the court together with proof of service (Form 6B).

		Court File Number

(Name of court)		
at _____		
Court office address		
Form 6: Acknowledgement of Service		
You are asked to fill out and sign this card and to mail it immediately. If you do not return this card, the document(s) listed below may be personally served on you and you may be ordered to pay the costs of service.		
My name is: (full legal name)		
I may be served at: (address where court documents may be mailed to you)		
I acknowledge receiving a copy of the following document(s):		
<input type="checkbox"/>	Application dated	<input type="checkbox"/> Notice of motion dated
<input type="checkbox"/>	Blank form of application	<input type="checkbox"/> Statement of money owed dated
<input type="checkbox"/>	Financial statement dated	<input type="checkbox"/> (Other. Give title and date of document.)
<input type="checkbox"/>	Blank form of financial statement	
<input type="checkbox"/>	Answer dated	
<input type="checkbox"/>	Blank form of answer	
<input type="checkbox"/>	Affidavit of (name) dated	
Signature		Date of signature
NOTICE: The address that you give above will be used in future to serve documents by mail until you inform the other parties and the court office of a new address for service.		

FORM 6A
ADVERTISEMENT

[Name of court]

NOTICE TO: *(full legal name)*

A CASE HAS BEEN STARTED AGAINST YOU IN COURT at *(address: street & number, municipality, postal code)*

The next court date is *(date)*
at a.m./p.m. or as soon as possible after that time.

The court may make an order in this case that may affect your rights. You can get more information about this case from the court office at *(Write "the address above" or, if the court office is at a different address, give the street & number, municipality and postal code of the court office.)*

You may also get information about this case from *(name, address and telephone number of person publishing this advertisement)*.

IF YOU DO NOT COME TO COURT, AN ORDER MAY BE MADE WITHOUT YOU AND BE ENFORCED AGAINST YOU.

Court File Number

(Name of court)

**Form 6B: Affidavit of
Service dated**at
Court office address**Applicant(s)**

Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Respondent(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

My name is (full legal name)**I live in** (municipality & province)**and I swear/affirm that the following is true:****1. On** (date), **I served** (name of person to be served)

with the following document(s) in this case:

Name of document Author (if applicable)

Date when document signed, issued, sworn, etc.

List the documents served.

NOTE: You can leave out any part of this form that is not applicable.**2. I served the documents mentioned in paragraph 1 by,**

Check one box only and go to indicated paragraph.

- ☐ special service. (Go to paragraph 3 below if you used special service.)
- ☐ mail. (Go to paragraph 4 if you used mailed service.)
- ☐ courier. (Go to paragraph 5 if you used courier.)
- ☐ deposit at a document exchange. (Go to paragraph 6 if you used a document exchange.)
- ☐ fax. (Go to paragraph 7 if you used fax.)
- ☐ substituted service or advertisement. (Go to paragraph 8 if you used substituted service or advertisement.)

3. I carried out special service of the document(s) on the person named in paragraph 1 at (place or address) by:

Check one box only. Strike out paragraphs 4 to 8 and go to paragraph 9.

- ☐ leaving a copy with the person.
- ☐ leaving a copy with (name)
- ☐ who is the person's lawyer and who accepted service on the person's behalf.
- ☐ who is the (office or position) of the corporation named in paragraph 1.
- ☐ mailing a copy to the person together with a prepaid return postcard in Form 6 in an envelope bearing

Continued on other side. ➡

**Form 6B: Affidavit of
Service dated** (page 2)

Court file number

the sender's return address. This postcard, in which receipt of the document(s) is acknowledged, was returned and is attached to this affidavit.

- ☐ leaving a copy in a sealed envelope addressed to the person at the person's place of residence with (name) who provided me with identification to show that he/she was an adult person residing at the same address and by mailing another copy of the same document(s) on the same or following day to the person named in paragraph 1 at that place of residence.
- ☐ (Other, specify. See rule 6 for details.)

4. I mailed the document(s) to be served by addressing the covering envelope to the person named in paragraph 1 at: (Set out address.)

which is the address

Check appropriate paragraph and strike out paragraphs 3, 5, 6, 7, 8 and 9.

- ☐ of the person's place of business.
☐ of the person's lawyer.
☐ of the person's home.
☐ on the document most recently filed in court by the person.
☐ (Other, specify.)

5. The document(s) to be served was/were placed in an envelope that was picked up at a.m./p.m. on (date) by (name of courier service)

a private courier service, a copy of whose receipt is attached to this affidavit. The envelope was addressed to the person named in paragraph 1 at: (Set out address.)

which is the address

Check appropriate paragraph and strike out paragraphs 3, 4, 6, 7, 8 and 9.

- ☐ of the person's place of business.
☐ of the person's lawyer.
☐ of the person's home.
☐ on the document most recently filed in court by the person.
☐ (Other, specify.)

6. The document(s) was/were deposited at a document exchange. The exchange's date stamp on the attached copy shows the date of deposit. (Strike out paragraphs 3, 4, 5, 7, 8 and 9.)

7. The document(s) to be served was/were faxed. The fax confirmation is attached to this affidavit. (Strike out paragraphs 3, 4, 5, 6, 8 and 9.)

8. An order of this court made on (date) allowed
☐ substituted service.
☐ service by advertisement. (Attach advertisement.)

The order was carried out as follows: (Give details. Then go to paragraph 9 if you had to travel to serve substitutionally or by advertisement.)

9. To serve the document(s), I had to travel kilometres. My fee for service of the document(s) is \$ including travel.

Sworn/Affirmed before me at municipality

in province, state or country

on date

Commissioner for taking affidavits
(Type or print name below if signature is illegible.)

Signature

(This form is to be signed in front of a lawyer, justice of the peace, notary public or commissioner for taking affidavits.)



(Name of court)

Court File Number

at _____
Court office address

**Form 8: Application
(General)**

Applicant(s)

<p><i>Full legal name & address for service — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p>	<p><i>Lawyer's name & address — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p>
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Respondent(s)

<p><i>Full legal name & address for service — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p>	<p><i>Lawyer's name & address — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p>
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TO THE RESPONDENT(S):

A COURT CASE HAS BEEN STARTED AGAINST YOU IN THIS COURT. THE DETAILS ARE SET OUT ON THE ATTACHED PAGES.

<p><input type="checkbox"/> THE FIRST COURT DATE IS (date) AT a.m./p.m. or as soon as possible after that time, at: (address)</p> <p style="text-align: center;"><small>NOTE: If this is a divorce case, no date will be set un- less an Answer is filed.</small></p> <p>If you have also been served with a notice of motion, there may be an earlier court date and you or your lawyer should come to court for the motion.</p> <p><input type="checkbox"/> THIS CASE IS ON THE FAST TRACK OF THE CASE MANAGEMENT SYSTEM. A case management judge will be assigned by the time this case first comes before a judge.</p>	<p><input type="checkbox"/> THIS CASE IS ON THE STANDARD TRACK OF THE CASE MANAGEMENT SYSTEM. No court date has been set for this case but, if you have been served with a notice of motion, it has a court date and you or your lawyer should come to court for the motion. A case management judge will not be assigned until one of the parties asks the clerk of the court to schedule a case conference or until a notice of motion under subrule 14(5) is served before a case conference has been held. If, after 200 days, the case has not been scheduled for trial, the clerk of the court will send out a warning that the case will be dismissed in 30 days unless the parties file proof that the case has been settled or one of the parties asks for a case conference or a settlement conference.</p>
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IF YOU WANT TO OPPOSE ANY CLAIM IN THIS CASE, you or your lawyer must prepare an *Answer* (Form 10 — a blank copy should be attached), serve a copy on the applicant(s) and file a copy in the court office with an *Affidavit of Service* (Form 6B). **YOU HAVE ONLY 30 DAYS AFTER THIS APPLICATION IS SERVED ON YOU (60 DAYS IF THIS APPLICATION IS SERVED ON YOU OUTSIDE CANADA OR THE UNITED STATES) TO SERVE AND FILE AN ANSWER. IF YOU DO NOT, THE CASE WILL GO AHEAD WITHOUT YOU AND THE COURT MAY MAKE AN ORDER AND ENFORCE IT AGAINST YOU.**

Check this box if this paragraph applies. ☐ This case includes a claim for support or for property. You **MUST** fill out a *Financial Statement* (Form 13 — a blank copy attached), serve a copy on the applicant(s) and file a copy in the court office with an *Affidavit of Service* even if you do not answer this case.

If you want to make a claim of your own, you or your lawyer must fill out the claim portion in the *Answer*, serve a copy on the applicant(s) and file a copy in the court office with an *Affidavit of Service*.

You should get legal advice about this case right away. If you cannot afford a lawyer, you may be able to get help from your local Legal Aid office. (See your telephone directory under **LEGAL AID**).

Date of issue

Clerk of the court

Continued on other side. ➡

Form 8: Application (General) (page 2)

Court file number

FAMILY HISTORY

APPLICANT: Age: Birthdate:

Resident in (municipality & province)

since (date)

Surname at birth: Surname just before marriage:

Divorced before? ☐ No. ☐ Yes. (Place and date of previous divorce)

RESPONDENT: Age: Birthdate:

Resident in (municipality & province)

since (date)

Surname at birth: Surname just before marriage:

Divorced before? ☐ No. ☐ Yes. (Place and date of previous divorce)

RELATIONSHIP DATES:

- ☐ Married on (date) ☐ Started living together on (date)
- ☐ Separated on (date) ☐ Never lived together. ☐ Still living together.

THE CHILD(REN):

List all children involved in this case, even if no claim is made for these children.

Full Legal Name	Age	Birthdate	Resident in (municipality & province)	Now Living with (name of person and relationship to child)

PREVIOUS CASES OR AGREEMENTS

Have the parties or the children been in a court case before?

- ☐ No. ☐ Yes. (Attach a summary of court cases — Form 8E.)

Have the parties made a written agreement dealing with any matter involved in this case?

- ☐ No. ☐ Yes. (Give date of agreement. Indicate which of its terms are in dispute. Attach an additional page if you need more space.)

Continued on next sheet. ➡

Form 8: Application (General) (page 3)

Court file number

CLAIM BY APPLICANT

I ASK THE COURT FOR THE FOLLOWING:

(Claims below include claims for temporary orders.)

Claims under the <i>Divorce Act</i> <i>Check boxes in this column only if you are asking for a divorce.)</i>	Claims under the <i>Family Law Act</i> or <i>Children's Law Reform Act</i>	Claims relating to property
00 <input type="checkbox"/> a divorce	10 <input type="checkbox"/> support for me	20 <input type="checkbox"/> equalization of net family properties
01 <input type="checkbox"/> support for me	11 <input type="checkbox"/> support for child(ren)	21 <input type="checkbox"/> exclusive possession of matrimonial home
02 <input type="checkbox"/> support for child(ren)	12 <input type="checkbox"/> custody of child(ren)	22 <input type="checkbox"/> exclusive possession of contents of matrimonial home
03 <input type="checkbox"/> custody of child(ren)	13 <input type="checkbox"/> access to child(ren)	23 <input type="checkbox"/> freezing assets
04 <input type="checkbox"/> access to child(ren)	14 <input type="checkbox"/> restraining/non-harassment order	24 <input type="checkbox"/> sale of family property
	15 <input type="checkbox"/> indexing spousal support	Other claims
	16 <input type="checkbox"/> declaration of parentage	30 <input type="checkbox"/> costs
	17 <input type="checkbox"/> guardianship over child's property	31 <input type="checkbox"/> annulment of marriage
		32 <input type="checkbox"/> prejudgment interest

50 ☐ *(Other, specify.)*

Give details of the order that you want the court to make. *(Include any amounts of support (if known) and the names of the children for whom support, custody or access is claimed.)*

Continued on other side. ➡

Form 8: Application (General) (page 4)

Court file number

IMPORTANT FACTS SUPPORTING MY CLAIM FOR DIVORCE

- ☐ **Separation:** The spouses have lived separate and apart since (date) and
- ☐ have not lived together again since that date in an unsuccessful attempt to reconcile.
- ☐ have lived together again during the following period(s) in an unsuccessful attempt to reconcile: (Give dates.)
- ☐ **Adultery:** The respondent has committed adultery. (Give details. It is not necessary to name any other person involved but, if you do name the other person, then you must serve this application on the other person.)
- ☐ **Cruelty:** The respondent has treated the applicant with physical or mental cruelty of such a kind as to make continued cohabitation intolerable. (Give details.)

IMPORTANT FACTS SUPPORTING MY OTHER CLAIM(S)

(Set out below the facts that form the legal basis for your other claim(s). Attach an additional page if you need more space.)

Put a line through any blank space left on this page

Applicant's signature

Date of signature

For divorce cases only

LAWYER'S CERTIFICATE

My name is:

and I am the applicant's lawyer in this divorce case. I certify that I have complied with the requirements of section 9 of the Divorce Act.

Lawyer's signature

Date of signature



(Name of court)

at _____
Court office address

Court File Number

**Form 8A: Application
(divorce)** ☐ Joint
☐ Simple

Applicant

Full legal name & address for service — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Respondent(s)

Full legal name & address for service — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

☐ **THIS CASE IS A JOINT APPLICATION FOR DIVORCE. THE DETAILS ARE SET OUT ON THE ATTACHED PAGES.** The application and affidavits in support of the application will be presented to a judge when the materials have been checked for completeness.

☐ **IN THIS CASE, THE APPLICANT IS CLAIMING DIVORCE ONLY.**

TO THE RESPONDENT(S): A COURT CASE FOR DIVORCE HAS BEEN STARTED AGAINST YOU IN THIS COURT. THE DETAILS ARE SET OUT ON THE ATTACHED PAGES.

THIS CASE IS ON THE STANDARD TRACK OF THE CASE MANAGEMENT SYSTEM. No court date has been set for this case but, if you have been served with a notice of motion, it has a court date and you or your lawyer should come to court for the motion. A case management judge will not be assigned until one of the parties asks the clerk of the court to schedule a case conference or until a notice of motion under subrule 14(5) is served before a case conference has been held. If, after 200 days, the case has not been scheduled for trial, the clerk of the court will send out a warning that the case will be dismissed in 30 days unless the parties file proof that the case has been settled or one of the parties asks for a case conference or a settlement conference.

IF YOU WANT TO OPPOSE ANY CLAIM IN THIS CASE, you or your lawyer must prepare an answer (Form 10 — a blank copy should be attached), serve a copy on the applicant and file a copy in the court office with an affidavit of service (Form 6B).

YOU HAVE ONLY 30 DAYS AFTER THIS APPLICATION IS SERVED ON YOU (60 DAYS IF THIS APPLICATION IS SERVED ON YOU OUTSIDE CANADA OR THE UNITED STATES) TO SERVE AND FILE AN ANSWER. IF YOU DO NOT, THE CASE WILL GO AHEAD WITHOUT YOU AND THE COURT MAY MAKE AN ORDER AND ENFORCE IT AGAINST YOU.

If you want to make a claim of your own, you or your lawyer must fill out the claim portion in the answer, serve a copy on the applicant and file a copy in the court office with an affidavit of service.

You should get legal advice about this case right away. If you cannot afford a lawyer, you may be able to get help from your local Legal Aid office. (See your telephone directory under LEGAL AID).

Date of issue

Clerk of the court

Continued on other side. ➡

Form 8A: Application (divorce) (page 2)

Court file number

FAMILY HISTORY

HUSBAND: Age: Birthdate:
 Resident in (municipality & province)
 since (date)
 Surname at birth: Surname just before marriage:
 Divorced before? ☐ No. ☐ Yes. (Place and date of previous divorce)

WIFE: Age: Birthdate:
 Resident in (municipality & province)
 since (date)
 Surname at birth: Surname just before marriage:
 Divorced before? ☐ No. ☐ Yes. (Place and date of previous divorce)

RELATIONSHIP DATES:

☐ Married on (date) ☐ Started living together on (date)
☐ Separated on (date) ☐ Never lived together.

THE CHILD(REN):

List all children involved in this case, even if no claim is made for these children.

Full Legal Name	Age	Birthdate	Resident in (municipality & province)	Now Living with (name of person and relationship to child)

PREVIOUS CASES OR AGREEMENTS

Have the parties or the children been in a court case before?

☐ No. ☐ Yes. (Attach a summary of court cases — Form 8E.)

Have the parties made a written agreement dealing with any matter involved in this case?

☐ No. ☐ Yes. (Give date of agreement. Indicate which of its terms are in dispute. Attach an additional page if you need more space.)

Continued on next sheet. ➡

Form 8A: Application (divorce) (page 3)

Court file number

CLAIMS

USE THIS FRAME ONLY IF THIS CASE IS A JOINT APPLICATION FOR DIVORCE.

WE JOINTLY ASK THE COURT FOR THE FOLLOWING:

Claims under the *Divorce Act*

- 00 ☒ a divorce
 01 ☐ spousal support
 02 ☐ support for child(ren)
 03 ☐ custody of child(ren)
 04 ☐ access to child(ren)

Claims under the *Family Law Act* or *Children's Law Reform Act*

- 10 ☐ spousal support
 11 ☐ support for child(ren)
 12 ☐ custody of child(ren)
 13 ☐ access to child(ren)
 14 ☐ restraining/non-harassment order
 15 ☐ indexing spousal support
 16 ☐ declaration of parentage
 17 ☐ guardianship over child's property

Claims relating to property

- 20 ☐ equalization of net family properties
 21 ☐ exclusive possession of matrimonial home
 22 ☐ exclusive possession of contents of matrimonial home
 23 ☐ freezing assets
 24 ☐ sale of family property

Other claims

- 30 ☐ costs
 31 ☐ annulment of marriage
 32 ☐ prejudgment interest
 50 ☐ (Other, specify.)

USE THIS FRAME ONLY IF THE APPLICANT'S ONLY CLAIM IN THIS CASE IS FOR DIVORCE.

I ASK THE COURT FOR:

- 00 ☒ a divorce

(Check if applicable.)

- 30 ☐ costs

IMPORTANT FACTS SUPPORTING THE CLAIM FOR DIVORCE

- ☐ **Separation:** The spouses have lived separate and apart since (date) and
☐ have not lived together again since that date in an unsuccessful attempt to reconcile.
☐ have lived together again during the following period(s) in an unsuccessful attempt to reconcile: (Give dates.)
- ☐ **Adultery:** (Name of spouse) has committed adultery.
 (Give details. It is not necessary to name any other person involved but, if you do name the other person, then you must serve this application on the other person.)
- ☐ **Cruelty:** (Name of spouse) has treated (name of spouse) with physical or mental cruelty of such a kind as to make continued cohabitation intolerable. (Give details.)

Form 8A: Application (divorce) (page 4)

Court file number

USE THIS FRAME ONLY IF THIS CASE IS A JOINT APPLICATION FOR DIVORCE.

The details of the other order(s) that we jointly ask the court to make are as follows: *(Include any amounts of support and the names of the children for whom support, custody or access is to be ordered.)*

IMPORTANT FACTS SUPPORTING OUR CLAIM(S)

(Set out below the facts that form the legal basis for your claim(s). Attach an additional page if you need more space.)

Put a line through any blank space left on this page

In a joint application for divorce, there will be two signatures — one for each spouse. But in an application where the applicant's only claim is for divorce, you and your lawyer are the only ones who will sign and you should strike out the inappropriate zone for your spouse's signature and corresponding date.

Signature of applicant husband

Date of signature

Signature of applicant wife

Date of signature

LAWYER'S CERTIFICATE

My name is:

and I am the lawyer for (name) in this divorce case. I certify that I have complied with the requirements of section 9 of the *Divorce Act*.

Lawyer's signature

Date of signature



Court File Number

(Name of court)

at

Court office address

**Form 8B: Application
(child protection
and status review)**
Applicant(s) *[In most child protection cases, the applicant will be a children's aid society.]*

Full legal name & address for service — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Respondent(s) *[In most child protection cases, a respondent will be a "parent" within the meaning of section 37 of the Child and Family Services Act.]*

Full legal name & address for service — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

TO THE RESPONDENT(S):

A COURT CASE HAS BEEN STARTED AGAINST YOU IN THIS COURT. THE DETAILS ARE SET OUT ON THE ATTACHED PAGES.

THE FIRST COURT DATE IS (date) AT a.m./p.m. or as soon as possible after that time, at: (address)

If you have also been served with a notice of motion, there may be an earlier court date and you or your lawyer should come to court for the motion.

IF YOU WANT TO OPPOSE ANY CLAIM IN THIS CASE, you or your lawyer must prepare an answer (Form 10 — a blank copy should be attached), serve a copy on the applicant children's aid society and all other parties and file a copy in the court office with an affidavit of service (Form 6B). **YOU HAVE ONLY 30 DAYS AFTER THIS APPLICATION IS SERVED ON YOU (60 DAYS IF THIS APPLICATION IS SERVED ON YOU OUTSIDE CANADA OR THE UNITED STATES) TO SERVE AND FILE AN ANSWER. IF YOU DO NOT, THE CASE WILL GO AHEAD WITHOUT YOU AND THE COURT MAY MAKE AN ORDER AND ENFORCE IT AGAINST YOU.**

 Check this box if this paragraph applies. ☐ The applicant children's aid society is also making a claim for child support. You **MUST** fill out a financial statement (Form 13 — a blank copy attached), serve a copy on the society and file a copy in the court office with an affidavit of service even if you do not answer this case.

WARNING: This case is subject to case management, which means that the case runs on a timetable. That timetable says that the following steps have to be finished by the following number of days from the start of this case:

Temporary care & custody hearing	25 days	Settlement conference	80 days
Plan of care to be served & filed	33 days	Protection hearing or status review	120 days
Case conference	40 days		

You should consider getting legal advice about this case right away. If you cannot afford a lawyer, you may be able to get help from your local Legal Aid office. (See your telephone directory under LEGAL AID).

Date of Issue

Clerk of the court

Continued on other side. ➡

Form 8B: Application (child protection and status review) (page 2)

Court file number

THE CHILD(REN) (List all children involved in this case.)

Child's Full Legal Name	Birth date	Age	Sex	Full Legal Name of Mother	Full Legal Name of Father	Child's Religion	Child's Native Status

CLAIM BY APPLICANT SOCIETY

1. The applicant children's aid society asks the court to make a finding under Part III of the *Child and Family Services Act* that the child(ren) named in this application

☐ is/are ☐ continue(s) to be

in need of protection because:

(Check applicable box(es). In each checked paragraph, delete those portions of the text that are not relevant.)

- ☐ the child(ren) has/have suffered physical harm, inflicted by the person having charge of the child(ren) or caused by that person's failure to care and provide for or to supervise and protect the child(ren) adequately [clause 37(2)(a)].
- ☐ there is a substantial risk that the child(ren) will suffer physical harm, inflicted by the person having charge of the child(ren) or caused by that person's failure to care and provide for or to supervise and protect the child(ren) adequately [clause 37(2)(b)].
- ☐ the child(ren) has/have been sexually molested or sexually exploited, by the person having charge of the child(ren) or by another person where the person having charge knows or should know of the possibility of sexual molestation or sexual exploitation and fails to protect the child(ren) [clause 37(2)(c)].
- ☐ there is a substantial risk that the child(ren) will be sexually molested or sexually exploited, by the person having charge of the child(ren) or by another person where the person having charge knows or should know of the possibility of sexual molestation or sexual exploitation and fails to protect the child(ren) [clause 37(2)(d)].
- ☐ the child(ren) require(s) medical treatment to cure, prevent or alleviate physical harm or suffering and the child(ren)'s parent or the person having charge of the child(ren) does not provide, or refuses or is unavailable or unable to consent to, the treatment [clause 37(2)(e)].
- ☐ the child(ren) has/have suffered emotional harm that is demonstrated by severe anxiety, depression, withdrawal or self-destructive or aggressive behaviour, and the child(ren)'s parent or the person having charge of the child(ren) does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm [clause 37(2)(f)].
- ☐ there is a substantial risk that the child(ren) will suffer emotional harm that is demonstrated by severe anxiety, depression, withdrawal or self-destructive or aggressive behaviour, and the child(ren)'s parent or the person having charge of the child(ren) does not provide, or refuses or is unavailable or unable to consent to, services or treatment to prevent the harm [clause 37(2)(g)].
- ☐ the child(ren) suffer(s) from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child(ren)'s development and the child(ren)'s parent or the parent having charge of the child(ren) does not provide, or refuses or is unavailable or unable to consent to, treatment to remedy or alleviate the condition [clause 37(2)(h)].
- ☐ the child(ren) has/have been abandoned [clause 37(2)(i)].
- ☐ the child(ren)'s parent has died or is unavailable to exercise his or her custodial rights over the child(ren) and has

Continued on next sheet. ➡

Form 8B: Application (child protection and status review) (page 3)

Court file number

- not made adequate provision for the child(ren)'s care and custody [clause 37(2)(i)].
- ☐ the child(ren) is/are in a residential placement and the child(ren)'s parent refuses or is unable or unwilling to resume the care and custody of the child(ren) [clause 37(2)(i)].
 - ☐ the child(ren) is/are less than twelve years old and has/have killed or seriously injured another person or caused serious damage to another person's property; services or treatment are necessary to prevent a recurrence; and the child(ren)'s parent or the person having charge of the child(ren) does not provide, or refuses or is unavailable or unable to consent to, those services or treatment [clause 37(2)(j)].
 - ☐ the child(ren) is/are less than twelve years old and has/have, on more than one occasion, injured another person or caused loss or damage to another person's property, with the encouragement of the person having charge of the child(ren) or because of that person's failure or inability to supervise the child(ren) adequately [clause 37(2)(k)].
 - ☐ the child(ren)'s parent is unable to care for the child(ren) and the child(ren) is/are brought before the court with the person's consent and, where the child(ren) is/are twelve years of age or older, with the child(ren)'s consent, to be dealt with under Part III of the *Child and Family Services Act* [clause 37(2)(l)].

2. The applicant society therefore asks for an order,

- ☐ that the child(ren) be placed with *(name of custodian)*
subject to the supervision of *(full legal name of supervising society)*

for a period of months, on the terms and conditions set out in the Appendix on page 5 of this Application form.

- ☐ that the child(ren) be made (a) ward(s) of *(full legal name of society)*
for a period of months.
- ☐ that the child(ren) be made (a) ward(s) of *(full legal name of society)*

for a period of months and then returned to *(name of custodian)*
subject to the supervision of *(full legal name of supervising society)*

for a period of months, on the terms and conditions set out in the Appendix on page 5 of this Application form.

- ☐ that the child(ren) be made (a) ward(s) of the Crown and placed in the care of *(full legal name of caretaker society)*
- ☐ that *(name of homemaker)*
be authorized to remain on the premises at *(address of premises where homemaker is placed)*
until *(date)*
or until the person who is entitled to custody of the child(ren) returns to care for the child(ren), whichever is sooner.
- ☐ relating to access, the details of which are as follows: *(Specify details of order to be sought, including any claim for a restraining order under section 76 of the Child and Family Services Act.)*

- ☐ relating to payment of support while the child(ren) is/are in care, the details of which are as follows:

- ☐ court costs.
- ☐ *(Other, specify,)*

3. To the best knowledge of the applicant society, the parties or the child(ren)

- ☐ have been
- ☐ have not been

in a court case before relating to the supervision, wardship (guardianship) or custody of or access to the child(ren).
(If you checked first box, attach a summary of court cases — Form 8E.)

Continued on other side. ➡

Form 8B: Application (child protection and status review) (page 4)

Court file number

4. The parties ☐ made ☐ have not made
a written agreement dealing with any matter involved in this case. (If you checked the first box, give date of agreement and indicate which of its terms are in dispute. Attach an additional page if you need more space.)

5. The following is a brief statement of the facts upon which the applicant society is relying in this application.
(Set out the facts in numbered paragraphs. If you need more space, you may use the other side or attach a page, but you must date and sign each additional page.)

Put a line through any blank space left on this page.

Signature

Date of signature

Print or type name

Office or position held in children's aid society

Continued on next sheet. ➡

Form 8B: Application (child protection and status review) (page 5)

Court file number

APPENDIX

The terms and conditions that the applicant society proposes for the child(ren)'s supervision are as follows:
(Set out terms and conditions in numbered paragraphs. Omit this page if no supervision is sought.)



(Name of court)

Court File Number

at _____
Court office address

Form 8C: Application for

- ☐ Secure Treatment
☐ Extension of Secure Treatment

Applicant(s)

<p><i>Full legal name & address for service — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p>	<p><i>Lawyer's name & address — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p>
--	--

Child

<p><i>Full legal name of child:</i></p> <p><i>Birthdate:</i></p> <p><i>Sex:</i></p>	<p><i>Lawyer's name & address — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p>
---	--

Check applicable box.

1. ☐ I/We am/are the child's parent(s). *(Attach the consent of the parent(s) in Form 33R. If the child is 16 or 17 years old, the child's consent — Form 33Q — must also be attached. In an application to extend treatment, the consent of the program administrator in Form 33R must also be attached. If the "child" is 18 or more years old, the "child's" consent to extend treatment in Form 33R must also be attached.)*
 - ☐ I am an authorized officer of the applicant children's aid society that has custody of the child under an order made under Part III of the *Child and Family Services Act*. *(Attach the officer's consent in Form 33R. If the child is 16 or 17 years old, the child's consent — Form 33Q — must also be attached. In an application to extend treatment, the administrator's consent in Form 33R must also be attached.)*
 - ☐ I am a person (other than an administrator of the secure treatment program) who is caring for the child. *(To be used only where the child is less than 16 years of age. A consent of the child's parent — Form 33R — must be attached. In an application to extend treatment, the administrator's consent in Form 33R must also be attached.)*
 - ☐ I am the child in this case and I am 16 or 17 years old. *(The child's consent — Form 33Q — must be attached. In an application to extend treatment, the administrator's consent in Form 33R must also be attached.)*
 - ☐ I am the person who has been committed to the secure treatment program in this case and I am 18 or more years old. *(To be used only in an application to extend treatment. Attach the consent of the program administrator on Form 33R.)*
 - ☐ I am a physician qualified under the law of Ontario to practise medicine. *(To be used in an application for secure treatment only where the child is 16 years of age or more. A physician can apply to extend treatment, but only if the "child" is 18 or more years of age and only if separate consents in Form 33R, both from the administrator of the programme and from the "child" are attached.)*
 - ☐ I am the person in charge of the secure treatment program. *(To be used only in an application to extend secure treatment. Attach two consents in Form 33R — one from the administrator and the second from the child's parent or, if the child is in the care of a children's aid society, the society's consent. If the "child" is now 18 or more years old, the second consent in Form 33R must come from the "child".)*
2. I/We ask for an order under Part VI of the *Child and Family Services Act*
- ☐ committing the child ☐ extending the child's commitment
- to the secure treatment program at: *(Name and address of secure treatment program.)*

Continued on other side. ➡

Form 8C: Application (secure treatment) (page 2)

Court file number

3. I/We make this application because: (*NOTE: All three paragraphs — (a) and (b) and (c) — must be true in all cases.*)

- ☐ (a) the child has a mental disorder;
- ☐ (b) the secure treatment program would be effective to prevent the child from causing or attempting to cause serious bodily harm to himself/herself or to another person;
- ☐ (c) no less restrictive method of providing treatment appropriate for the child's mental disorder is appropriate in the circumstances;

Use this frame only in an application for secure treatment.*In addition to paragraphs (a), (b) and (c) above, all three paragraphs below — (d) and (e) and (f) — must ALSO be true.*

- ☐ (d) the child has, as a result of the mental disorder, within 45 days immediately before,
- ☐ the date of this application for commitment to secure treatment,
- ☐ the child's detention or custody under the federal *Young Offenders Act* or Ontario's *Provincial Offences Act*,
- ☐ the child's admission as an involuntary patient to a psychiatric facility under the *Mental Health Act* caused or attempted to cause serious bodily harm to himself/herself or to another person;
- ☐ (e) the child has: {
- ☐ within the 12 months immediately before this application for secure treatment on an occasion different from the one mentioned in clause (b) above,
- ☐ caused or attempted to cause
- ☐ by words or conduct, made a substantial threat to cause bodily harm to himself/herself or to another person; OR
- ☐ caused or attempted to cause a person's death when causing or attempting to cause serious bodily harm to himself/herself or to another person; and
- ☐ (f) treatment appropriate for the child's mental disorder is available at the program named in paragraph 2 above.

Use this frame only in an application to extend secure treatment.*In addition to paragraphs (a), (b) and (c) above, both paragraphs below — (d) and (e) — must ALSO be true.*

- ☐ (d) the child is receiving,
- ☐ the treatment proposed when this court originally ordered secure commitment;
- ☐ other appropriate treatment; and
- ☐ (e) there is an appropriate plan for the child's care on release from the secure treatment program.

4. The following is a brief statement of the facts upon which this application is based. (*Set out the facts in numbered paragraphs with reference to the items in paragraph 3. If you need more space, you may attach a page, but you must date and sign each additional page.*)

Put a line through any blank space left on this page.

Signature

Date of signature

Signature

Date of signature



(Name of court)

Court File Number

at _____
Court office address

Form 8D: Application
(adoption)

Applicant(s) [Only spouses may make a joint application for adoption.]

<p>Full legal name & address for service — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</p>	<p>Lawyer's name & address — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</p>
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Respondent(s) [The box below would be used only in a contested adoption case involving one or more step-parents or relatives.]

<p>Full legal name & address for service — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</p>	<p>Lawyer's name & address — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</p>
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THE APPLICANT(S) ASK FOR AN ORDER FOR THE ADOPTION OF:

(full legal name of person to be adopted)

The applicant(s) also ask for an order that the person's name after adoption be:

(full legal name of person after adoption)

Strike out the box below if it does not apply in this case.

NOTE TO THE RESPONDENTS: You are also being served with a notice of motion to dispense with your consent to this adoption. The details of the motion can be found on the notice of motion and the attached affidavit(s).

IF YOU WANT TO OPPOSE THIS ADOPTION, you or your lawyer must prepare one or more affidavits for the motion. **IF YOU DO NOT DO SO, THE COURT MAY DISPENSE WITH YOUR CONSENT WITHOUT YOU AND YOU WILL GET NO FURTHER NOTICE OF THE ADOPTION HEARING.**

YOU SHOULD GET LEGAL ADVICE ABOUT THIS CASE RIGHT AWAY. If you cannot afford a lawyer, you may be able to get help from your local Legal Aid office. (See your telephone directory under LEGAL AID).

Date of issue

Clerk of the court

Court File Number

.....
**Form 8E: Summary
of Court Cases**

_____ at _____
(Name of court)
_____ Court office address

Applicant(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Respondent(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

My name is (full legal name)
The following is a diary of all the steps in this case and any other relevant court cases involving:
(a) any of the parties; or
(b) a child who is part of this case or whose interests are part of this case.

Signature

Date of signature

Date when case or step in case began	Description of case or step in case	Court that heard the case or step in case	Judge or judicial officer whose order disposed of case or step in case	Date of order	Summary of order

Continued on other side. ↑

Form 8E: Summary of Court Cases (page 2)

Court file number .

[illegible]

Court file number .

[illegible]

Court File Number

(Name of court)

Form 10: Answer

at

Court office address

Applicant(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Respondent(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

TO THE APPLICANT(S):

If you are making a claim against someone who is not an applicant, insert the person's name and address here.

AND TO: (full legal name)
(address of added party)

, an added respondent, of

1. I agree with the following claim(s) made by the applicant: (Refer to the numbers alongside the boxes on page 3 of the application form.)
2. I do not agree with the following claim(s) made by the applicant: (Again, refer to the numbers alongside the boxes on page 3 of the application form.)
3. ☐ I am asking that the applicant's claim (except for the parts with which I agree) be dismissed with costs.
4. ☐ I am making a claim of my own.
(Attach a "Claim by Respondent" page and include it as page 3. Otherwise, do not attach it.)
5. ☐ The FAMILY HISTORY, as set out in the application, ☐ is correct
☐ is not correct.
(If it is not correct, attach your own FAMILY HISTORY page and underline those parts that are different from the applicant's version.)

Continued on other side. ➡

Form 10: Answer (page 2)

Court file number

6. The important facts that form the legal basis for my position in paragraph 2 is as follows: *(In numbered paragraphs, set out the facts for your position. Attach an additional sheet and number it if you need more space.)*

Put a line through any space left on this page.

Respondent's signature

Date of signature

Continued on next sheet. ➡

Form 10: Answer (page 3)

Court file number

CLAIM BY RESPONDENT*Fill out a separate claim page for each person against whom you are making your claim(s).***7. THIS CLAIM IS MADE AGAINST**

- ☐ THE APPLICANT
☐ AN ADDED PARTY, whose name is *(full legal name)*

*(If your claim is against an added party, make sure that this person's name appears on page 1 of this form.)***8. I ASK THE COURT FOR THE FOLLOWING:***(Claims below include claims for temporary orders.)*

Claims under the <i>Divorce Act</i> <i>Check boxes in this column only if you are asking for a divorce.)</i>	Claims relating to property	Claims relating to child protection
00 <input type="checkbox"/> a divorce	20 <input type="checkbox"/> equalization of net family properties	40 <input type="checkbox"/> access
01 <input type="checkbox"/> support for me	21 <input type="checkbox"/> exclusive possession of matrimonial home	41 <input type="checkbox"/> lesser protection order
02 <input type="checkbox"/> support for child(ren)	22 <input type="checkbox"/> exclusive possession of contents of matrimonial home	42 <input type="checkbox"/> return of child(ren) to my care
03 <input type="checkbox"/> custody of child(ren)	23 <input type="checkbox"/> freezing assets	43 <input type="checkbox"/> place children into care of <i>(name)</i>
04 <input type="checkbox"/> access to child(ren)	24 <input type="checkbox"/> sale of family property	44 <input type="checkbox"/> children's aid society wardship for months
Claims under the <i>Family Law Act</i> or <i>Children's Law Reform Act</i>	Other claims	45 <input type="checkbox"/> society supervision of my care of child(ren)
10 <input type="checkbox"/> support for me	30 <input type="checkbox"/> costs	
11 <input type="checkbox"/> support for child(ren)	31 <input type="checkbox"/> annulment of marriage	
12 <input type="checkbox"/> custody of child(ren)	32 <input type="checkbox"/> prejudgment interest	
13 <input type="checkbox"/> access to child(ren)		
14 <input type="checkbox"/> restraining/non-harassment order		
15 <input type="checkbox"/> indexing spousal support		
16 <input type="checkbox"/> declaration of parentage		
17 <input type="checkbox"/> guardianship over child's property		

50 ☐ *(Other, specify.)*

Give details of the order that you want the court to make. *(Include any amounts of support (if known) and the names of the children for whom support, custody or access is claimed.)*

Continued on other side. ➡

Form 10: Answer (page 4)

Court file number

IMPORTANT FACTS SUPPORTING MY CLAIM(S)*(In numbered paragraphs, set out the facts that form the legal basis for your claim(s). Attach an additional page and number it if you need more space.)**Put a line through any space left on this page.*_____
*Respondent's signature*_____
Date of signature

Court File Number

(Name of court)

at

Court office address

Form 10A: Reply by

☐ applicant☐ added respondent**Applicant(s)**

Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Respondent(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

TO ALL PARTIES:

1. My name is
2. I agree with the following claim(s) made by the respondent in his/her answer: (Refer to the numbers alongside the boxes on page 3 of the answer form.)
3. I do not agree with the following claim(s) made by the respondent: (Again, refer to the numbers alongside the boxes on page 3 of the answer form.)
4. ☐ I am asking that the respondent's claim (except for the parts with which I agree) be dismissed with costs.
5. The important facts supporting for my position in paragraph 3 is as follows: (In numbered paragraphs, set out the reasons for your position. Attach an additional sheet and number it if you need more space.)

Continued on other side. ➡

Form 10A: Reply (page 2)

Court file number

Put a line through any space left on this page.

Signature

Date of signature

Court File Number

(Name of court)

at

Court office address

Form 12: Notice of Withdrawal

Applicant(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).
--	--

Respondent(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).
--	--

TO ALL PARTIES:

My name is (full legal name)

I withdraw this ☐ application dated (date)
☐ answer dated (date)
☐ notice of default hearing dated (date)
☐ notice of motion dated (date)
☐ (Other, specify.)

against (names of parties against who there is to be a withdrawal)

- ☐ completely.
- ☐ regarding (state limited nature of withdrawal.)

Signature of party making withdrawal or of party's lawyer

Date of signature

NOTE TO OTHER PARTIES: If a case, an enforcement, a motion, etc., has been wholly or partly withdrawn against you by this notice, you are entitled to your costs from the party making the withdrawal unless the court orders otherwise or unless the parties agree otherwise.

Court File Number

(Name of court)

**Form 13: Financial
Statement dated**at _____
Court office address**Applicant(s)**

Full legal name & address for service — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name and address — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Respondent(s)

Full legal name and address for service — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name and address — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

My name is (full legal name)**I live in** (municipality & province)**and I swear/affirm that the following is true:**

1. My financial statement set out on the following pages is accurate to the best of my knowledge and belief and sets out the financial situation as of (give date for which information is accurate) for

Check one or
more boxes
as circum-
stances re-
quire.

- ☐ me
☐ the children listed in Part 1 of this statement
☐ the following person(s): [Give name(s) and relationship to you.]

2. I attach to this statement:

See the in-
structions in
the note on the
back of this
sheet.

- ☐ Parts 1 to 6 of this Form and the documents mentioned in Part 2 (items 9 to 12).
☐ Part 7 of this Form.
☒ Parts ☐ 8 to 10 of this Form.
☐ 11 to 16 of this Form.

Sworn/Affirmed before me at
municipalityin
province, state or countryon
date

Commissioner for taking affidavits
(Type or print name below if signature is illegible.)

Signature

(This form is to be signed in front of a
lawyer, justice of the peace, notary public
or commissioner for taking affidavits.)

Continued on other side. ➡

Form 13: Financial Statement (page 2)

Court file number

HOW TO FILL OUT THIS FORM

You must fill out and attach Parts 1 to 6 of this Form if this case includes:

- a claim for support;
- a claim for a change in support;
- an enforcement of a support order or of the support provisions of a domestic contract or paternity agreement;
- a claim for custody or access where the court has ordered the filing of a financial statement
- a claim for exclusive possession of the matrimonial home and its contents; or
- a property dispute that does not involve equalization of net family property under Part I of the *Family Law Act*.

You must also fill out and attach Part 7, **BUT ONLY IF THIS CASE INCLUDES A CLAIM FOR CHILD SUPPORT THAT IS DIFFERENT FROM THE TABLE AMOUNT IN THE CHILD SUPPORT GUIDELINES** (a claim for add-ons for special or extraordinary expenses for the child(ren); a child 18 years of age or more; a claim for undue hardship; a support claim in a case of split or shared custody; or a case where a party's annual income is over \$150,000).

Finally, you must also give information about your property and your debts. **YOU MUST FILL OUT AND ATTACH:**

- (a) **PARTS 8 TO 10** if this case includes one or more of the matters mentioned above, **BUT NOT** a claim for equalization of net family property under Part I of the *Family Law Act*;

OR

- (b) **PARTS 11 TO 16** if this case deals **includes** a claim for equalization of net family property under Part I of the *Family Law Act*, even if it also includes one or more of the matters mentioned above..

For example, if this case is only about the equalization of family property under Part I of the *Family Law Act*, you would skip Parts 1 to 7 and only fill out and attach Parts 11 to 16.

FURTHER IMPORTANT NOTE

As soon as you find out that:

- (a) the information in this financial statement is incorrect or incomplete; or
 - (b) there is a material change in your circumstances that affects or will affect the information in this financial statement,
- you **MUST** serve on every other party to this case and file with the court,
- (c) the correct or complete information; or
 - (d) a new financial statement with updated information,
- together with any documents that back up that information.

DECLARATION

This declaration is to be filled out only if your income is tax exempt because of your Indian status.

My name is (full legal name)

I live in (municipality & province)

and I declare that the following is true:

1. I am an Indian within the meaning of the *Indian Act* of Canada.
2. Because of my status, my income is tax exempt and I am not required to file an income tax return.
3. I have therefore not filed an income tax return for the past three years.

Declared before me at
municipalityin
province, state or countryon
dateCommissioner for taking affidavits
(Type or print name below if signature is illegible.)

Signature

(This form is to be signed in front of a lawyer, justice of the peace, notary public or commissioner for taking affidavits.)

Continued on next sheet. ➡

Form 13: Financial Statement (page 3)

Court file number

PARTS 1 TO 6 MUST BE FILLED OUT AND ATTACHED TO THIS FINANCIAL STATEMENT if this case includes:

- ☐ a claim for support;
- ☐ a claim for a change in support;
- ☐ an enforcement of a support order or of the support provisions of a domestic contract or paternity agreement;
- ☐ a claim for custody or access where the court has ordered the filing of a financial statement
- ☐ a claim for exclusive possession of the matrimonial home and its contents; or
- ☐ a property dispute that does not involve equalization of net family property under Part I of the *Family Law Act*.

You would skip this part if this case deals only with equalization of net family property.

PART 1: NAMES AND BIRTHDATES OF CHILD(REN)

Part 1 must be filled out if this case involves a claim by you or by another party:

- (a) for child support;
- (b) for the enforcement of child support; or
- (c) for custody of or access to a child, but only where a court has ordered each party to serve and file a financial statement;
- (d) for any combination of the above.

You still have to fill out this Part, even if you have decided not to oppose another party's claim for custody or child support. Part 1 does not apply if this case contains no claim regarding children.

	CHILD'S FULL LEGAL NAME	BIRTHDATE (d,m,y)	SEX
1.			
2.			
3.			
4.			
5.			
6.			
7.			

PART 2: INCOME

for the 12 months from (date) to (date)

Include all income and other money that you get from all sources, whether taxable or not. Show the gross amount here and show your deductions in Part 5. Give the current actual amount if you know it or can find out. If you can't find out, give your best estimate. To get a monthly figure for items 13 to 28, you must multiply any weekly income by 4.33 or divide any yearly sum by 12.

9. I am ☐ employed by (name and address of employer)☐ self-employed, carrying on business under the name of (name and address of business)☐ unemployed since (date when last employed)

10. I attach to this form:

- ☐ a copy of my income tax returns that were filed with the Department of National Revenue for the past 3 taxation years, together with a copy of all material filed with the returns and a copy of any notices of assessment or re-assessment that I have received from the Department for those years.
- ☐ a statement from the Department of National Revenue that I have not filed any income tax returns for the past 3 years.
- ☐ a declaration that I am not required to file an income tax return because of the *Indian Act* (Canada). [Use the declaration at the bottom of page 2.]
- ☐ a direction in Form 13A signed by me to the Taxation Branch of the Department of National Revenue for the disclosure of my tax returns and assessments for the past 3 years.

IMPORTANT! If your case requires you to fill out and attach Parts 1 to 6, the clerk of the court will NOT allow you to file this financial statement unless you have checked one of the boxes in paragraph 10 above and have attached the required document(s).

Continued on other side. ➡

Form 13: Financial Statement (page 4)

Court file number

11. I attach to this statement proof of my current income, including my most recent
- ☐ pay cheque stub.
- ☐ employment insurance stub.
- ☐ worker's compensation stub.
- ☐ pension stub.
- ☐ (Other, specify.)
12. My total income earned so far this year is \$ and is detailed in items 13 to 28 below. I attach the following document(s) as proof of this year's earnings: (Identify the document(s) being attached.)

CATEGORY		Monthly
13.	Pay, wages, salary, including overtime (before deductions)	
14.	Bonuses, fees, commissions	
15.	Social assistance (employment assistance, basic financial assistance)	
16.	Employment insurance	
17.	Workers' compensation	
18.	Pensions	
19.	Dividends	
20.	Interest	
21.	Rent, board received	

CATEGORY		Monthly
22.	Child tax benefit	
23.	Support payments actually received	
24.	Income received by children	
25.	G.S.T. refund	
26.	Income tax refund	
27.	Gifts and loans received	
28.	Other (income from business, tips, etc. Attach statements or details.)	
29.	INCOME FROM ALL SOURCES	

PART 3: OTHER BENEFITS

Show your non-cash benefits — such as the use of a company car, a club membership or room and board that your employer or someone else provides for you or benefits that are charged through or written off by your business. If you cannot find out the actual value of these benefits, give your best estimate.

ITEM	DETAILS	Monthly Market Value
30. TOTAL		

31. GROSS MONTHLY INCOME AND BENEFITS (Add: [29] plus [30]) \$

PART 4: OTHER INCOME EARNERS IN THE HOME

Fill in this part only if you are living with another person. It does not matter whether you are married to this person.

32. I am living with (full legal name of person)
33. This person has (give number) child(ren) living in the home.
34. This person ☐ works at (place of work or business)
- ☐ does not work outside the home.
35. This person ☐ earns (give amount) \$ per
- ☐ does not earn anything.
36. This person ☐ pays for about% of the household expenses.
- ☐ contributes no money to the household expenses.

Continued on next sheet. ➡

Form 13: Financial Statement (page 5)

Court file number

PART 5: AUTOMATIC DEDUCTIONS FROM INCOME

for the 12 months from (date) to (date)

Give the current actual amount if you know it or can find out. If you can't find out, give your best estimate. To get a monthly figure, you must multiply any weekly amount by 4.33 or divide any yearly sum by 12.

TYPE OF EXPENSE		Monthly
37.	Income tax deducted from pay	
38.	Canada Pension Plan	
39.	Other pension plans	
40.	Employment insurance	
41.	Union or association dues	

TYPE OF EXPENSE		Monthly
42.	Group insurance	
43.	Other (Specify. If necessary attach an extra sheet.)	
44.	TOTAL AUTOMATIC DEDUCTIONS	

45. NET MONTHLY INCOME (Do the subtraction: [31] minus [44]): \$**PART 6: TOTAL EXPENSES**

for the 12 months from (date) to (date)

NOTE: This part must be completed in all cases. You must set out your TOTAL living expenses, including those expenses involving any children now living in your home. If you cannot find out the actual amount, give your best estimate. As with Part 1, convert weekly figures to monthly ones by multiplying by 4.33 or dividing yearly ones by 12.

TYPE OF EXPENSE		Monthly
Housing		
46.	Rent / Mortgage	
47.	Property taxes & municipal levies	
48.	Condominium fees & common expenses	
49.	Water	
50.	Electricity	
51.	Heating fuel (natural gas, fuel oil)	
52.	Telephone	
Housing		
53.	Cable television & pay television	
54.	Home insurance	
55.	Home repairs, maintenance, gardening, snow removal, etc.	
56.	Other household expenses (Specify. If necessary, attach an extra sheet.)	
Food, Toiletries & Sundries.		
57.	Groceries	
58.	Meals outside home	

TYPE OF EXPENSE		Monthly
59.	General household supplies	
60.	Hairdresser, barber, toiletries & sundries	
61.	Laundry & dry cleaning	
62.	Other (Specify. If necessary attach an extra sheet.)	
Clothing		
63.	Clothing for me	
64.	Clothing for children	
65.	Other. (Specify. If necessary, attach an extra sheet.)	
Transportation		
66.	Public transit	
67.	Taxis	
68.	Car insurance	
69.	Licence	
70.	Car loan payments	
71.	Car maintenance and repairs	
72.	Gasoline & oil	

Continued on other side. ➡

Form 13: Financial Statement (page 6)

Court file number

TYPE OF EXPENSE		Monthly
73.	Parking	
74.	Other (Specify. If necessary, attach an extra sheet.)	
Health & Medical		
75.	Regular dental care	
76.	Orthodontal or special dental care	
77.	Medicine & drugs	
78.	Eye glasses or contact lenses	
79.	Other (Specify. If necessary, attach an extra sheet.)	
Miscellaneous		
80.	Life or term insurance premiums	
81.	School fees, books, tuition, etc.	
82.	School activities (special projects, field trips, etc.)	
83.	School lunches	
84.	Religious school	
85.	Entertainment & recreation	
86.	Vacation	
87.	Children's summer camp	
88.	Children's activities (music lessons, clubs, sports, bicycles)	
89.	Children's allowances	

TYPE OF EXPENSE		Monthly
90.	Baby sitting	
91.	Day care	
92.	Books for home use, newspapers, magazines, audio/video tapes & discs	
93.	Gifts	
94.	Charities	
95.	Alcohol & tobacco	
96.	Pet expenses	
97.	Support actually being paid in this case	
98.	Support actually being paid in any other case	
99.	Income tax (not deducted from pay)	
100.	Other (Specify. If necessary, attach an extra sheet.)	
Debt payments (excluding mortgages)		
101.	Credit cards (but not for expenses mentioned elsewhere in this statement.)	
102.	Other (Specify. If necessary, attach an extra sheet.)	
Savings		
103.	R.r.s.p.	
104.	Other (Specify. If necessary, attach an extra sheet.)	
105.	Total of items [46] to [104]	

SUMMARY OF INCOME AND EXPENSES

Net monthly income (item [45] above) = \$
 Subtract actual monthly expenses (item [105] above) = \$
ACTUAL MONTHLY SURPLUS/DEFICIT = \$

IMPORTANT NOTE ABOUT THE NEXT PART

If this case deals with child support **different** from the table amount in the child support guidelines (a claim for add-ons for special or extraordinary expenses for child(ren); a child is 18 years of age or more; a claim for undue hardship; a support claim in a case of split or shared custody; or a case where the payor's annual income is over \$150,000), **THEN YOU MUST NEXT FILL OUT AND ATTACH PART 7.**

If, however, the claim for child support in this case is for the table amount in the child support guidelines or if this case does not deal with child support at all, omit Part 7 completely and instead go on to fill out and attach:

- Parts 8 to 10; **OR**
- Parts 11 to 16,

but not both. See the instructions at the top of Part 8 or Part 11 about the choice that you must make.

Continued on next sheet. ➡

Form 13: Financial Statement (page 7)

Court file number

PART 7: EXPENSES OF THE CHILD(REN)

NOTE: DO NOT FILL OUT PART 7 UNLESS THIS CASE INCLUDES A CLAIM FOR CHILD SUPPORT THAT IS DIFFERENT FROM THE TABLE AMOUNT IN THE CHILD SUPPORT GUIDELINES (a claim for add-ons for special or extraordinary expenses for the child(ren); a child is 18 years of age or more; a claim for undue hardship; a support claim in a case of split or shared custody; or a case where the party's annual income is \$150,000 or more).

If Part 7 applies to this case, set out the percentage of your actual total monthly living expenses in Part 6 that relates to any child(ren) now living in the household. If you cannot figure out the actual amount of each child's share of a particular expense item, give your best approximation. If there are more than three children, attach extra sheets.

TYPE OF EXPENSE		% of expense attributed to child			Monthly Total
		Name:	Name:	Name:	
		Age:	Age:	Age:	
Housing					
106.	Rent / Mortgage	%	%	%	\$
107.	Property taxes & municipal levies				
108.	Condominium fees & common expenses				
109.	Water				
110.	Electricity				
111.	Heating fuel (natural gas, fuel oil)				
112.	Telephone				
113.	Cable television & pay television				
114.	Home insurance				
115.	Home repairs, maintenance, gardening, snow removal, etc.				
Food, Toiletries & Sundries					
116.	Groceries				
117.	Meals outside home				
118.	General household supplies				
119.	Hairdresser, barber, toiletries & sundries				
120.	Laundry & dry cleaning				
121.	Other (Specify. If necessary attach an extra sheet.)				
Clothing					
122.	Clothing for children				
123.	Other (Specify. If necessary, attach an extra sheet.)				
Transportation					
124.	Public transit				
125.	Taxis				
126.	Car Insurance				

Continued on other side. ➡

Form 13: Financial Statement (page 8)

Court file number _____

TYPE OF EXPENSE		% of expense attributed to child			Monthly Total
		Name:	Name:	Name:	
		Age:	Age:	Age:	
127.	Licence				
128.	Car loan payments				
129.	Car maintenance & repairs				
130.	Gasoline & oil				
131.	Parking				
132.	Other (Specify. If necessary, attach an extra sheet.)				
Health & Medical					
133.	Regular dental care				
134.	Orthodontal or special dental care				
135.	Medicine & drugs				
136.	Eye glasses or contact lenses				
137.	Other (Specify. If necessary, attach an extra sheet.)				
Miscellaneous					
138.	Life or term insurance premiums				
139.	School fees, books, tuition, etc.				
140.	School residence				
141.	School activities (special projects, field trips, etc.)				
142.	School lunches				
143.	Religious school				
144.	Entertainment & recreation				
145.	Vacation				
146.	Children's summer camp				
147.	Children's activities (music lessons, clubs, sports, bicycles)				
148.	Children's allowances				
149.	Baby sitting				
150.	Day care				
151.	Books for home use, newspapers, magazines, audio/video tapes and discs				
152.	Gifts to child(ren)				
153.	Gifts from child(ren) to others				

Continued on next sheet. ➡

Form 13: Financial Statement (page 9)

Court file number

TYPE OF EXPENSE		% of expense attributed to child			Monthly Total
		Name:	Name:	Name:	
		Age:	Age:	Age:	
154.	Charities				
155.	Pet expenses				
156.	Other (Specify. If necessary, attach an extra sheet.)				
Debt Payments (excluding mortgage)					
157.	Credit cards (but not for expenses mentioned elsewhere in this statement)				
158.	Other (Specify. If necessary, attach an extra sheet.)				
Savings					
159.	Other (Specify. If necessary, attach an extra sheet.)				
160.	CHILD(REN)'S MONTHLY EXPENSES — TOTAL OF ITEMS [106] TO [159]				\$

IMPORTANT NOTE ABOUT THE NEXT PART**YOU MUST NEXT FILL OUT AND ATTACH:**

- Parts 8 to 10; OR
- Parts 11 to 16,

but not both. See the instructions at the top of Part 8 or Part 11 about the choice that you must now make.

Continued on next sheet. ➡

IMPORTANT NOTE ABOUT PARTS 8-10

If this case includes a claim for equalization of net family property under Part I of the Family Law Act, skip parts 8 to 10 and go directly to Parts 11 to 16. Fill out Parts 8 to 10 **ONLY IF** this case involves anything else, such as:

- a claim for support;
- an enforcement of a support order or of the support provisions of a domestic contract or paternity agreement;
- a claim for custody or access where the court has ordered the filing of a financial statement; or
- exclusive possession of the matrimonial home or any other property dispute (except equalization of net family property).

PART 8: ASSETS IN AND OUT OF ONTARIO		
PART 8(a): LAND		
<p>Include any interest in land owned as of the date of this statement, including leasehold interests and mortgages. Show estimated market value of your interest, but do not deduct encumbrances or costs of disposition; these encumbrances and costs should be shown under Part 9, "Debts and Liabilities". DO NOT INCLUDE LAND THAT YOU DO NOT OWN, even though you are claiming an interest in it.</p> <p>For example, if you were including the matrimonial home, you might insert "Joint tenancy" in the first column on the left; and in the next column, you might write "Matrimonial home, 123 Main Street, est. value \$400,000 today".</p>		
Nature & Type of Ownership (Give your percentage interest where relevant.)	Nature, address and estimated TOTAL value today (This total value may be different from the value of your share (set out in the last column) if the property has two or more owners.)	Estimated Market value of YOUR interest
161. TOTAL VALUE OF LAND		

PART 8(b): GENERAL HOUSEHOLD ITEMS AND VEHICLES			
<p>Show estimated market value, not the cost of replacement for these items owned as of the date of this statement. Do not deduct encumbrances or costs of disposition; these encumbrances and costs should be shown under Part 9, "Debts and Liabilities"</p>			
ITEM	DESCRIPTION	Tick off ✓ if NOT in your possession	Estimated Market value of YOUR interest
Household goods & furniture			
Cars, boats, vehicles			

Continued on other side. ➡

Form 13: Financial Statement (page)

Court file number

PART 8(b): GENERAL HOUSEHOLD ITEMS AND VEHICLES			
Jewellery, art, electronics, tools, sports & hobby equipment			
Other special items			
162. TOTAL VALUE OF GENERAL HOUSEHOLD ITEMS AND VEHICLES			

PART 8(c): BANK ACCOUNTS AND SAVINGS			
Show the items owned by category. Include cash, accounts in financial institutions, registered retirement or other savings plans, deposit receipts, pensions and any other savings.			
Category	INSTITUTION	Account number	Amount
163. TOTAL VALUE OF ACCOUNTS AND SAVINGS			

PART 8(d): SECURITIES			
Show the items owned by category. Include bonds, warrants, options, notes and other securities. Give your best estimate of their market value if the items were to be sold on the open market.			
Category	Number	Description	Estimated Market Value
164. TOTAL VALUE OF SECURITIES			

Continued on next sheet ➡

Form 13: Financial Statement (page)

Court file number

PART 8(e): LIFE & DISABILITY INSURANCE					
<i>List all policies now in existence.</i>					
Company & Policy No.	Kind of Policy	Owner	Beneficiary	Face Amount	Today's Cash Surrender Value
165. TOTAL CASH SURRENDER VALUE OF INSURANCE POLICIES					

PART 8(f): BUSINESS INTERESTS		
Show any interest in an unincorporated business owned today. A controlling interest in an incorporated business may be shown here or under "SECURITIES" in Part 8(d). Give your best estimate of market value if the business were to be sold on an open market.		
Name of Firm or Company	Interest	Estimated Market value of YOUR interest
166. TOTAL VALUE OF BUSINESS INTERESTS		

PART 8(g): MONEY OWED TO YOU	
Give details of all money that other persons owe to you today, whether because of business or from personal dealings. Include any court judgments in your favour and any estate money owed to you.	
DETAILS	Amount Owed to You
167. TOTAL OF MONEY OWED TO YOU	

Continued on other side. ➡

Form 13: Financial Statement (page)

Court file number

PART 8(h): OTHER PROPERTY		
Show other property or assets owned by categories. Include property of any kind not listed above. Give your best estimate of market value.		
CATEGORY	DETAILS	Estimated Market Value
168. TOTAL VALUE OF OTHER PROPERTY		
169. VALUE OF ALL PROPERTY <i>Add items [161] to [168]</i>		

PART 9: DEBTS AND OTHER LIABILITIES		
Show your debts and other liabilities today <i>from personal and business dealings</i> . List them by category, such as mortgages, charges, liens, notes, credit cards, and accounts payable. Don't forget to include:		
<ul style="list-style-type: none"> • any money owed to Revenue Canada; • contingent liabilities such as guarantees or warranties given by you (but indicate that they are contingent); and • any unpaid legal or professional bills as a result of this case. 		
CATEGORY	DETAILS	Amount owing
170. TOTAL OF DEBTS AND OTHER LIABILITIES		

PART 10: SUMMARY OF ASSETS AND LIABILITIES	
	Amounts
TOTAL ASSETS (from item [169] above)	\$
Subtract TOTAL DEBTS (from item [170] above)	\$
171. NET WORTH	\$

NOTE: If you have filled out Parts 8-10, then aside from any other documents that you must attach (such as income tax returns), this is the last page of this Form. Do not fill out or attach Parts 11-16.

Court file number

IMPORTANT NOTE ABOUT PARTS 11-16

Fill out Parts 11 to 16 **ONLY IF** this case includes a claim for equalization of net family property under Part I of the Family Law Act. If, however, this case deals with:

- a claim for support;
- a change in support;
- an enforcement of a support order or of the support provisions of a domestic contract or paternity agreement;
- a claim for custody or access where the court has ordered the filing of a financial statement; or
- a claim for exclusive possession of the matrimonial home or any other property dispute (aside from equalization of net family property),

skip parts 11 to 16 and fill out Parts 8 to 10 instead.

PART 11: ASSETS IN AND OUT OF ONTARIO

PART 11(a): LAND

Include any interest in land **owned** on the valuation date or **as of the date of this statement**, including leasehold interests and mortgages. Show estimated market value of your interest, but do not deduct encumbrances or costs of disposition; these encumbrances and costs should be shown under Part 12, "Debts and Liabilities". **DO NOT INCLUDE LAND THAT YOU DO NOT OWN**, even though you are claiming an interest in it.

For example, if you were including the matrimonial home, you might insert "Joint tenancy" in the first column on the left, and in the next column, you might write "Matrimonial home, 123 Main Street, est. value \$400,000 today".

The valuation date is: (give date)

Nature & Type of Ownership (Give your percentage interest where relevant.)	Nature, address and estimated TOTAL value today <i>[This total value may be different from the value of your share (set out in the last column) if the property has two or more owners.]</i>	Estimated Market value of YOUR interest		
		on date of marriage	on valuation date	today
172. TOTAL VALUE OF LAND		\$		

PART 11(b): GENERAL HOUSEHOLD ITEMS AND VEHICLES

Show estimated market value, not the cost of replacement for these items owned on valuation date or as of the date of this statement. Do not deduct encumbrances or costs of disposition; these encumbrances and costs should be shown under Part 12, "Debts and Liabilities".

ITEM	DESCRIPTION	Tick off ✓ if NOT in your possession	Estimated Market value of YOUR interest		
			on date of marriage	on valuation date	today
Household goods & furniture					
Cars, boats, vehicles					

Continued on other side. ➡

Form 13: Financial Statement (page)

Court file number

PART 11(b): GENERAL HOUSEHOLD ITEMS AND VEHICLES					
Jewellery, art, electronics, tools, sports & hobby equipment					
Other special items					
173. TOTAL VALUE OF GENERAL HOUSEHOLD ITEMS AND VEHICLES					\$

PART 11(c): BANK ACCOUNTS AND SAVINGS					
Show the items owned on the valuation date by category. Include cash, accounts in financial institutions, registered retirement or other savings plans, deposit receipts, pensions and any other savings.					
Category	INSTITUTION	Account number	Amount		
			on date of marriage	on valuation date	today
174. TOTAL VALUE OF ACCOUNTS AND SAVINGS					\$

PART 11(d): SECURITIES					
Show the items owned on the valuation date by category. Include bonds, warrants, options, notes and other securities. Give your best estimate of their market value if the items were to be sold on the open market.					
Category	Number	Description	Estimated Market value		
			on date of marriage	on valuation date	today
175. TOTAL VALUE OF SECURITIES					\$

Continued on next sheet. ➡

Form 13: Financial Statement (page)

Court file number

PART 11(e): LIFE & DISABILITY INSURANCE							
<i>List all policies in existence on the valuation date.</i>							
Company & Policy No.	Kind of Policy	Owner	Beneficiary	Face Amount	Cash Surrender Value		
					Date of Marriage	Valuation Date	Today
176. TOTAL CASH SURRENDER VALUE OF INSURANCE POLICIES						\$	

PART 11(f): BUSINESS INTERESTS				
Show any interest in an unincorporated business owned on the valuation date. A controlling interest in an incorporated business may be shown here or under "SECURITIES" in Part 11(d). Give your best estimate of market value if the business were to be sold on an open market.				
Name of Firm or Company	Interest	Estimated Market value of YOUR interest		
		on date of marriage	on valuation date	today
177. TOTAL VALUE OF BUSINESS INTERESTS		\$		

PART 11(g): MONEY OWED TO YOU			
Give details of all money that other persons owe to you on the valuation date, whether because of business or from personal dealings. Include any court judgments in your favour and any estate money owed to you.			
DETAILS	Amount Owed to You		
	on date of marriage	on valuation date	today
178. TOTAL OF MONEY OWED TO YOU		\$	

Continued on other side. ➡

Form 13: Financial Statement (page)

Court file number

PART 11(h): OTHER PROPERTY				
Show other property or assets owned on the valuation date. Include property of any kind not listed above. Give your best estimate of market value.				
CATEGORY	DETAILS	Estimated Market value of YOUR interest		
		on date of marriage	on valuation date	today
179. TOTAL VALUE OF OTHER PROPERTY			\$	
180. VALUE OF ALL PROPERTY OWNED ON THE VALUATION DATE Add items [172] to [179]			\$	

PART 12: DEBTS AND OTHER LIABILITIES				
Show your debts and other liabilities on the valuation date <i>from personal and business dealings</i> . List them by category such as mortgages, charges, liens, notes, credit cards, and accounts payable. Don't forget to include:				
<ul style="list-style-type: none"> • any money owed to Revenue Canada; • contingent liabilities such as guarantees or warranties given by you (but indicate that they are contingent); and • any unpaid legal or professional bills as a result of this case. 				
CATEGORY	DETAILS	Amount owing		
		on date of marriage	on valuation date	today
181. TOTAL OF DEBTS AND OTHER LIABILITIES		\$		

Continued on next sheet. ➡

Form 13: Financial Statement (page)

Court file number

PART 13: PROPERTY, DEBTS AND OTHER LIABILITIES ON DATE OF MARRIAGE		
Show by category the value of your property and your debts and other liabilities <i>as of the date of your marriage.</i> DO NOT INCLUDE THE VALUE OF A MATRIMONIAL HOME THAT YOU OWNED ON THE DATE OF MARRIAGE.		
CATEGORY AND DETAILS	Value on date of marriage	
	Assets	Liabilities
Land <i>(exclude matrimonial home owned on date of marriage, unless sold before date of separation.)</i>		
General household items & vehicles		
Bank accounts and savings		
Securities		
Life & disability insurance		
Business interests		
Money owed to you		
Other property <i>(Specify.)</i>		
Debts and other liabilities <i>(Specify.)</i>		
TOTALS	\$	\$
182. NET VALUE OF PROPERTY OWNED ON DATE OF MARRIAGE <i>(From the total of the "Assets" column, subtract the total of the "Liabilities" column.)</i>	\$	
183. VALUE OF ALL DEDUCTIONS <i>(Add items [181] and [182].)</i>	\$	

PART 14: EXCLUDED PROPERTY		
Show by category the value of property owned on the valuation date that is excluded from the definition of "net family property" (such as gifts or inheritances received after marriage).		
CATEGORY	DETAILS	Value on valuation date
184. TOTAL VALUE OF EXCLUDED PROPERTY		\$

Continued on other side. ➡

Form 13: Financial Statement (page)

Court file number

PART 15: DISPOSED PROPERTY		
Show by category the value of property that you disposed of during the two years immediately before the separation.		
CATEGORY	DETAILS	VALUE
185. TOTAL VALUE OF DISPOSED PROPERTY		\$

PART 16: CALCULATION OF NET FAMILY PROPERTY		
	Deductions	BALANCE
Value of all property owned on valuation date (from item [180] above)		\$
Subtract value of all deductions (from item [183] above)	\$	\$
Subtract value of all excluded property (from item [184] above)	\$	\$
186. NET FAMILY PROPERTY		\$

Court File Number

(Name of court)

Form 13A: Direction to
Department of National
Revenue — Taxation

at Court office address

Applicant(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Respondent(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

TO THE DEPARTMENT OF NATIONAL REVENUE:

My name is (full legal name)

I live at (latest address shown on tax records)

My social insurance number is:

I ASK AND AUTHORIZE YOU to send to (name and address)

- a copy of:
- (a) my income tax returns for the years; and
 - (b) any material that was filed with each of the returns for those same years; and
 - (c) any notice of assessment or re-assessment from the Department for those same years.

Signature of taxpayer

Date of signature

Court File Number

(Name of court)

**Form 13B: Net Family
Property Statement**at _____
Court office address**Applicant(s)**

Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).
--	--

Respondent(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).
--	--

My name is (full legal name)

The valuation date for the following material is (date)

(Complete the tables by filling in the columns for both husband and wife, showing your assets debts, etc., and those of your spouse.)

Table 1: Value of assets owned on valuation date (List in the order of the categories in the financial statement.)		
ITEM	HUSBAND	WIFE
1.	\$	\$
TOTAL 1		

Continued on other side. ➡

Form 13B: Net Family Property Statement (page 2)

Court file number

ITEM	HUSBAND	WIFE
	\$	\$
TOTAL 2		

ITEM	HUSBAND	WIFE
	\$	\$
TOTAL 3		

Continued on next sheet. ➡

Form 13B: Net Family Property Statement (page 3)

Court file number

Table 4: Value of property excluded under subsection 4(2) of the <i>Family Law Act</i> (List in the order of the categories in the financial statement.)		
ITEM	HUSBAND	WIFE
	\$	\$
TOTAL 4		

TOTAL 2 (from page 2)		
TOTAL 3 (from page 2)		
TOTAL 4 (from above)		
TOTAL 5 ([Total 2] + [Total 3] + [Total 4])		

TOTAL 1 (from page 1)		
TOTAL 5 (from above)		
TOTAL 6: NET FAMILY PROPERTY ([Total 1] minus [Total 5])		

Signature

Date of signature

Court File Number

(Name of court)

Form 14: Notice of Motionat _____
Court office address**Applicant(s)**

Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Respondent(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

The person making this motion or the person's lawyer must contact the clerk of the court by telephone or otherwise to choose a time and date when the court could hear this motion

TO THE PARTIES:

**THE COURT WILL HEAR A MOTION on (date)
at a.m./p.m., or as soon as possible after that time at: (place of hearing)**

This motion will be made by (name of person making the motion)

who will be asking the court for an order for the item(s) listed on the back of this notice.

- ☐ A copy of the affidavit(s) in support of this motion is served with this notice.
☐ A notice of a case conference is served with this notice to change an order.
 If this material is missing, you should talk to the court office immediately.

The person making this motion is also relying on the following documents in the continuing record: (List documents.)

If you want to oppose this motion or to give your own views, you should talk to your own lawyer and prepare your own affidavit, serve it on all other parties not later than 4 days before the date above and file it at the court office not later than 2 days before that date. Only written and affidavit evidence will be allowed at a motion unless the court gives permission for oral testimony. You may bring your lawyer to the motion.

IF YOU DO NOT COME TO THE MOTION, THE COURT MAY MAKE AN ORDER WITHOUT YOU AND ENFORCE IT AGAINST YOU.

Date of signature

Signature of person making this motion or of person's lawyer

Typed or printed name of person or of person's lawyer, address for service, telephone & fax number and e-mail address (if any)

NOTE TO PERSON MAKING THIS MOTION: You **MUST** file a confirmation (Form 14C) not later than 2:00 p.m. on the day before the date set out above.

If this is a motion to change past and future support payments under an order that has been assigned to a government agency, you must also serve this notice on that agency. If you do not, the agency can ask the court to set aside any order that you may get in this motion and can ask for costs against you.

Continued on other side. ➡

Form 14: Notice of Motion (page 2)

Court file number

State the order or orders requested on this motion.

NOTE: You must attach a *Summary of Court Cases* (Form 8E) to this notice of motion.

Court File Number

(Name of court)

**Form 14A: Affidavit
(General) dated**

at

Court office address

Applicant(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).
--	--

Respondent(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).
--	--

My name is (full legal name)**I live in** (municipality & province)**and I swear/affirm that the following is true:**

Set out the statements of fact in consecutively numbered paragraphs. Where possible, each numbered paragraph should consist of one complete sentence and be limited to a particular statement of fact. If you learned a fact from someone else, you must give that person's name and state that you believe that fact to be true.

1.

Form 14A: Affidavit (General) dated (date) (page 2) Court file number

Put a line through any blank space left on this page.

Sworn/Affirmed before me at
in
on
date

municipality

province, state or country

Commissioner for taking affidavits
(Type or print name below if signature is illegible.)

Signature

(This form is to be signed in front of a
lawyer, justice of the peace, notary public
or commissioner for taking affidavits.)

Court File Number

(Name of court)

Form 14B: Motion
Form

at Court office address

Names of parties:
Applicant: Respondent:
Hearing date: Name of case
management judge:

This form is filed by:
☐ applicant ☐ respondent ☐ other (Specify.)

This motion is made:
☐ with the consent of all persons affected ☐ with notice to all persons affected — unopposed
☐ with notice to all persons affected — opposition ☐ without notice
expected

NOTE TO PERSON MAKING THIS MOTION: If this is a motion to change past and future support payments under an order that has been assigned to a government agency, you must also serve this Notice on that agency. If you do not, the agency can ask the court to set aside any order that you may get in this motion and can ask for court costs against you.

Order that you want the court to make: (If you need more space, add an extra sheet but do not make any changes to this form.)

Laws and rules on which you are relying: (Give name of statute and section numbers; name of regulation and section numbers; and rule numbers.)

Continued on other side. ➡

Form 14B: Motion Form (page 2)

Court file number

I want the court to deal with this motion:

- ☐ by relying only on written material. ☐ in a hearing at which affected persons may attend personally.
☐ by conference telephone call (An appointment for such a call must be arranged in advance; see rule 14 of the Family Law Rules.)

At this motion, I am relying on the following material:

- ☐ Tabs/pages of the continuing record
☐ Pages of the transcript of the evidence of (name of person)
 dated
 (Relevant parts of transcript must be highlighted.)

This party's lawyer (Give lawyer's name, firm, telephone & fax number and e-mail address. If no lawyer, give party's name, and address for service, telephone & fax number and e-mail address.)

Other party's lawyer (Give lawyer's name, firm, telephone & fax number and e-mail address. If no lawyer, give party's name, and address for service, telephone & fax number and e-mail address.)

Signature

Date of signature

Court File Number

(Name of court)

Form 14C: Confirmation

at

Court office address

Applicant(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Respondent(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

1. My name is *(full legal name)*
and I am ☐ the lawyer for *(name)*
☐ *(Other. Specify)*
2. I have ☐ not been able to contact the opposing lawyer or party in this case to confirm the matters set out in paragraphs 3 to 7 below because: *(Give reason for inability to contact other side.)*

☐ have contacted the opposing lawyer or party and have confirmed the matters set out in paragraphs 3 to 7 below.
3. The scheduled date and time for this
☐ motion ☐ case conference ☐ settlement conference ☐ trial management conference
is *(date)* at o'clock in the morning/afternoon.
4. This matter is going ahead ☐ on all the issues.
☐ on only the following issues: *(Specify.)*

☐ for a consent order regarding: *(Specify.)*
☐ for an adjournment on consent to *(date)* because
(Give reason for adjournment.)

☐ for a contested adjournment to *(date)* asked for
by *(name of person asking for adjournment)* because
(State reason for adjournment.)
5. The judge should read pages/tabs of the continuing record.
6. Time estimate: ☐ applicant: minutes; ☐ respondent: minutes.
7. The case management judge for this case is *(name of judge)*

Lawyer's or party's signature

Date of signature



(Name of court)

Court File Number

at _____
Court office address

**Form 14D: Order on
Motion without Notice**

Applicant(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Judge (print or type name)

Respondent(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Date of order

The court heard a motion made by (name of person or persons who made the motion)

without notice to (name)

The following persons were in court (names of parties and lawyers in court at time of the motion)

For this motion, the court read (list the documents filed on the motion)

The court also received and heard submissions on behalf of (name or names)

THIS COURT ORDERS THAT:

Put a line through any blank space left on this page.

Continued on other side. ➡

Form 14D: Order on Motion without Notice (page 2)

Court file number

Put a line through any blank space left on this page.

Date of signature

Signature of judge or clerk of the court**NOTICE TO (name)**

This order has been made without notice to you. If you want the court to change this order, you must act as quickly as possible after the order comes to your attention, by serving an affidavit and a notice of motion on the other parties and by filing them together with proof of service at the court office.

Court File Number

(Name of court)

**Form 15: Change
Information Form (motion
to change child support)**at _____
Court office address**Recipient(s)**

Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Payor

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

PART 1 — GENERAL INFORMATION

(This part should be filled out to the best ability of the party asking for a change in a child support order.)

My name is (full legal name)

I live in (municipality & province)

and I swear/affirm that the following is true:

- I am the ☐ support recipient. ☐ support payor.
- The payor, (payor's full legal name) _____, was born on (date of birth) _____, lives in (municipality & province) _____ and, at the present time, is ☐ married ☐ living in a spousal relationship ☐ separated ☐ (Other. Specify.) _____
- The recipient, (recipient's full legal name) _____, was born on (date of birth) _____, lives in (municipality & province) _____ and, at the present time, is ☐ married ☐ living in a spousal relationship ☐ separated ☐ (Other. Specify.) _____
- The payor and the recipient were: ☐ married on (date) _____ ☐ started living together on (date) _____ ☐ separated on (date) _____ ☐ never lived together.
- The following chart gives basic information about the child(ren) in this case:
List all children involved in this case, even those for whom no support is being claimed.

Child's full legal name	Age	Birthdate	Lives in (municipality & province)	Now living with (name of person and relationship to child)	Support claimed for child? (YES or NO)

Continued on other side. ➡

Form 15: Change Information Form
(motion to change child support) (page 2)

Court file number

Child's full legal name	Age	Birthdate	Lives in (municipality & province)	Now living with (name of person and relationship to child)	Support claimed for child? (YES or NO)

6. The access arrangements for the child(ren) are as follows:

Child's name	Access arrangement

7. I attach a copy of the existing ☐ court order
☐ agreement

that deals with the child support to be varied. The details of this order/agreement are as follows:

Date of order or agreement	Present child support payment	Other terms of child support (such as cost-of-living increases)	Present spousal support payment (if any)
	\$, per		\$, per

8. The payment status of this order/agreement as of today is as follows:

Child support owed to recipient	Child support owed to other(s) (such as Ministry of Community & Social Services)	Spousal support owed to recipient	Spousal support owed to other(s) (such as Ministry of Community & Social Services)
\$	\$	\$	\$

(If money is owing, attach a statement of money owed (Form 26).)

9. This order/agreement ☐ has never been
☐ has been
assigned to ☐ the Ontario Ministry of Community and Social Services
☐ the municipality of (name)
☐ (Other. Specify.)

The details of this assignment are (Give date of assignment, indicate whether it is still in effect and add any other information known to you.)

Continued on next sheet. ➡

**Form 15: Change Information Form
(motion to change child support) (page 3)**

Court file number

10. I am asking to change the child support in the order/agreement because:

- ☐ the order/agreement was made before the applicable child support guidelines came into effect.
- ☐ a change in circumstances has taken place. *(Give details of material change in circumstances.)*

11. I ask that the child support be calculated as follows:

- ☐ the basic table amount listed in the child support guidelines of *(give a dollar amount where possible)* \$ per month for the *(number of children)* child(ren) on the basis of the payor's total annual income of *(give a dollar amount where possible)* \$ with payments to begin on *(date)*
- ☐ the following special or extraordinary expenses (add-ons):

Child's name	Type of expense	Amount	Payor's share	Child's contribution	Termination date (if known)
		\$	\$	\$	
		\$	\$	\$	
		\$	\$	\$	

- ☐ an amount of \$ per month, which is different from the table amount listed in the child support guidelines, with payments to start on *(date)*
The reason(s) for my request for a different amount is/are that:

- ☐ the parties consent to a different amount.
- ☐ I have attached a separate sheet to this form that explains why this is a reasonable arrangement for the child(ren).
- ☐ The recipient is getting social assistance payments from a public agency whose consent to this arrangement is needed. I am attaching the agency's consent to this form.
- ☐ as can be seen from paragraphs 5 and 6 above, the parties have shared custody to the child(ren) *(the payor has a child at least 40% of the time)*.
- ☐ I have attached a separate sheet to this form that compares the table amounts from the child support guidelines for each of the parties and that shows the increased cost of the shared custody arrangement and shows the financial circumstances of each party and of each child for whom support is claimed.
- ☐ The parties are consenting to this arrangement and I have attached a separate sheet to this form that explains why this is a reasonable arrangement for the child(ren).
- ☐ as can be seen from paragraph 5 above, custody of the children is split between the parties. I have attached a separate sheet to this form that calculates the difference between the amount that each party would otherwise pay to the other under the guidelines.
- ☐ a child is 18 or more years old and I attach to this form a separate sheet that calculates the amount of support for this child.
- ☐ a child contributes to his/her own support and I attach to this form a separate sheet showing the amount of the child's own income.
- ☐ the payor's annual income is over \$150,000 and I have attached to this form a separate sheet that calculates the amount of support that I want to be put into an order
- ☐ under the order/agreement, *(name of child)* is the subject of special provisions that I have detailed on a separate sheet that I have attached to this form.
- ☐ the payor stand in the place of a natural parent to *(name of child)*
and I attach to this form a separate sheet that gives the details of another parent's duty to pay support for this child as well as the details of the calculation of the amount of support requested.
- ☐ the amount listed in the child support guidelines would cause undue hardship to me or to the child(ren) for whom support is claimed. I attach to this form a separate sheet that compares the living standards of the parties.

Continued on other side. ➡

**Form 15: Change Information Form
(motion to change child support) (page 4)**

Court file number

12. I ask that the child support owed be paid off as follows:

- ☐ the child support owed to (name of recipient) should be fixed at \$
 as of (date) and to be paid off at the rate of \$
 per month, with payments to begin on (date)
- ☐ the child support owed to (name of agency or other person) should be fixed at \$
 as of (date) and to be paid off at the rate of \$
 per month, with payments to begin on (date)

Sworn/Affirmed before me at
 municipality
 in
 province, state or country
 on
 date

Commissioner for taking affidavits
 (Type or print name below if signature is illegible.)

Signature

(This form is to be signed in front of a
 lawyer, justice of the peace, notary public

PART 2 — INFORMATION FROM SUPPORT PAYOR

My name is (full legal name)

I live in (municipality & province)

and I swear/affirm that the following is true:

13. I am the support payor in this case.

14. My total income will be \$ for this year.

15. On the basis of my annual income, the table amount from the child support guidelines for (number of children) child(ren) is \$ per month.

16. My financial statement ☐ is attached ☐ is not attached.

(NOTE: You do not need to attach a financial statement if you and the other party have filled out the appropriate portion of the consent (Form 15A) and have agreed not to file a financial statement. Nevertheless, because the child support guidelines have a new way of computing the amount of child support, YOU MUST PROVIDE THE COURT WITH NEW ADDITIONAL INFORMATION. That amount is set out in a table that is geared to the payor's annual income and to the number of children who are entitled to support. Under certain conditions, the annual income of the recipient may also be taken into account, in which case, the recipient will have to provide the court with the same additional information in paragraphs 19 and 20 below.)

17. I attach the following financial information about me:

- (a) a copy of every personal income tax return that I filed with Revenue Canada for the 3 most recent taxation years;
- (b) a copy of every notice of assessment or re-assessment from Revenue Canada of those returns; and
- (c) ☐ [applies only if you are an employee] proof of this year's earnings from my employer as required by clause 21(1)(c) of the child support guidelines.
☐ [applies only if you are self-employed, or you are a partner in a partnership or you control a corporation or are a beneficiary under a trust] the documents listed in clauses 21(1)(d), (e), (f) or (g) of the child support guidelines.

Sworn/Affirmed before me at
 municipality
 in
 province, state or country
 on
 date

Commissioner for taking affidavits
 (Type or print name below if signature is illegible.)

Signature

(This form is to be signed in front of a
 lawyer, justice of the peace, notary public
 or commissioner for taking affidavits.)

Continued on next sheet. ➡

Form 15: Change Information Form
(motion to change child support) (page 5)

Court file number

PART 3 — INFORMATION FROM THE SUPPORT RECIPIENT

Because the child support guidelines have a new way of computing the amount of child support, YOU MUST PROVIDE THE COURT WITH NEW ADDITIONAL INFORMATION. That amount is set out in a table that is geared to the payor's annual income and to the number of children who are entitled to support. Under certain conditions, the annual income of the recipient may also be taken into account, in which case, the recipient will have to provide the court with the same additional information in paragraph 19 and 20 below.

My name is (full legal name)

I live in (municipality & province)

and I swear/affirm that the following is true:

18. I am the support recipient in this case.

Fill in paragraphs 19 and 20 only if:

- the change for which you are asking is for an amount that is different from that calculated under the appropriate table in the child support guidelines;
- the change for which you are asking relates to a child over the age of 18 years, a child for whom the payor stands in the place of a parent or a child with respect to whom the payor has access or physical custody not less than 40% of the time over the course of the year;
- each party has custody of one or more children;
- the payor's annual income as determined under the guidelines is more than \$150,000;
- either party claims that an order according to the guidelines amount would result in undue hardship.

19. My total income

- ☐ will be \$ for this year;
- ☐ was \$ for last year; and
- ☐ was \$ for the year before that.

20. I attach the following financial information about me:

- (a) a copy of every personal income tax return that I filed with Revenue Canada for the three most recent taxation years;
- (b) a copy of every notice of assessment or re-assessment from Revenue Canada of those returns; and
- (c) ☐ [applies only if you are an employee] proof of this year's earnings from my employer as required by clause 21(1)(c) of the child support guidelines.
- ☐ [applies only if you are self-employed, or you are a partner in a partnership or you control a corporation or are a beneficiary under a trust] the documents listed in clauses 21(1)(d), (e), (f) or (g) of the child support guidelines.

21. My financial statement ☐ is attached ☐ is not attached.

(NOTE: You do not need to attach a financial statement if you and the other party have signed a consent in Form 15A.)

Sworn/Affirmed before me at
municipality

in
province, state or country

on
date

Commissioner for taking affidavits
(Type or print name below if signature is illegible.)

Signature

(This form is to be signed in front of a lawyer, justice of the peace, notary public or commissioner for taking affidavits.)

Form 15A: Consent (motion to change child support) (page 2)

Court file number

- ☐ an amount of \$ per month, which is different from the table amount listed in the child support guidelines, with payments to start on (date)
6. We also agree that the child support owed be paid off as follows:
- ☐ the child support owed to (name of recipient) should be fixed at \$ as of (date) and to be paid off at the rate of \$ per month, with payments to begin on (date)
- ☐ the child support owed to (name of agency or other person) should be fixed at \$ as of (date) and to be paid off at the rate of \$ per month, with payments to begin on (date)

The parties need not sign this consent on the same day, but each must sign in the presence of his or her witness who signs a moment later.

Payor's signature	Signature of recipient or of recipient's assignee
Date of payor's signature	Date of signature of recipient or of recipient's assignee
Type or print name of witness to payor's signature	Type or print name of witness to signature of recipient or of recipient's assignee
Signature of witness	Signature of witness

Court File Number

(Name of court)

**Form 17: Case
Conference Brief**at _____
Court office address

(Name of person filing this brief)

(Date of case conference)

Applicant**Respondent**

Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).	Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).
Give your relationship to respondent:	Give your relationship to applicant:
Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

NOTE: CASE CONFERENCE BRIEFS MUST BE EXCHANGED 7 OR MORE DAYS BEFORE THE CASE CONFERENCE. THE BRIEFS WILL BE EITHER RETURNED AT THE END OF THE CONFERENCE OR IMMEDIATELY DESTROYED BY COURT STAFF.

NOTE: You can leave out any part of this form that is not applicable.

PART 1: THE ISSUES**1. What are the issues in this case that have NOT yet been settled:**

- ☐ child custody ☐ access ☐ child support ☐ child protection
☐ spousal support ☐ division of property ☐ ownership of property ☐ possession of home
☐ restraining order ☐ (Other. Specify.)

2. Are any of these issues so urgent that they need the court's attention by way of a temporary order or otherwise?

- ☐ No
☐ Yes. (Give details.)

3. What are the issues in this case that HAVE been settled:

- ☐ child custody ☐ access ☐ child support ☐ child protection
☐ spousal support ☐ division of property ☐ ownership of property ☐ possession of home
☐ restraining order ☐ (Other. Specify.)

4. Have any of the issues that have been settled been turned into a court order or a written agreement?

- ☐ No
☐ Yes ☐ an order
☐ a written agreement dated (date of agreement)

(Attach a copy of any agreement that the judge should read to prepare for the case conference.)

5. Have any attempts to reconcile been made?

- ☐ No. ☐ There is no possibility of reconciliation. ☐ Yes. (Give details.)

Continued on other side. ➡

Form 17: Case Conference Brief (page 2)

Court file number

—— PART 2: MARRIAGE, COHABITATION AND SEPARATION ——

*In child protection cases, this Part should set out the facts only about the respondent(s) — usually, the parent(s).*6. **APPLICANT:** Age: Birthdate:

Resident in (municipality & province)

since (date)

Surname at birth: Surname just before marriage:

Divorced before? ☐ No ☐ Yes

If yes, give place and date of previous divorce:

7. **RESPONDENT:** Age: Birthdate:

Resident in (municipality & province)

since (date)

Surname at birth: Surname just before marriage:

Divorced before? ☐ No ☐ Yes

If yes, give place and date of previous divorce:

8. **RELATIONSHIP DATES:**☐ Married on (date)☐ Started living together on (date)☐ Separated on (date)☐ Never lived together.☐ Still living together.

9. At separation, were there any unwritten or written arrangements between the parties?

☐ No.☐ Yes. (Give details, including the date of the arrangement, which party is now living in the family home now, when the other party moved out and any special circumstances about the move. If any part of the arrangement was written down, attach a copy.)

—— PART 3: THE CHILD(REN) ——

10. The basic information about the child(ren) is as follows:

Child's full legal name	Age	Birthdate (day, month, year)	Grade/Year and school	Now living with

11. The access arrangements for the child(ren) are as follows: (Beside each child's name, give details of access arrangements.)

Child's name

Access arrangements

.....
.....

Continued on next sheet. ➡

Form 17: Case Conference Brief (page 3)

Court file number

.....

.....

.....

.....

.....

12. Are there any special concerns about the child(ren) (for example, health or education) that the case conference judge should know about?

- ☐ No.
- ☐ Yes. (Beside each child's name, give details of concern or problem.)

Child's name

Concern or problem

.....

.....

.....

13. Are you asking for any changes to the custody and access arrangement that you now have?

- ☐ No.
- ☐ Yes. (Give details of your proposed change.)

14. Do you feel that a custody or access assessment is needed in this case? ☐ No ☐ Yes.

If "Yes", do you need a court order for an assessment? ☐ No ☐ Yes.

15. Should the Office of the Children's Lawyer be involved in this case for one or more of the children?

- ☐ No ☐ Yes.

16. Have you attended a family law information meeting?

- ☐ No ☐ Yes, on (date)

17. (For child protection cases only.)

Has any of the parties prepared a plan of care for the children?

- ☐ The children's aid society. ☐ The respondent(s). ☐ No one.

(Attach a copy unless it is already part of the continuing record, in which case, give the tab/page number(s):)

———— **PART 4: FINANCIAL INFORMATION** ————

Not to be filled out in child protection cases unless the children's aid society is claiming support, in which case set out the facts only about the respondents.

18. The applicant's gross annual income is \$.

The respondent's gross annual income is \$.

19. The details of that income (investment, trusts, salaries, commissions, overtime, etc.) is as follows:

APPLICANT		RESPONDENT	
Source	Amount	Source	Amount

Continued on other side. ➡

Form 17: Case Conference Brief (page 4)

Court file number

APPLICANT		RESPONDENT	
Source	Amount	Source	Amount

PART 5: PROPERTY

Not to be filled out in child protection cases. Go to Part 6

20. I live in ☐ a house ☐ an apartment ☐ (Other. Specify.)
that I ☐ rent. ☐ own.

(If you not rent your home, fill out the information below.)

☐ I am the sole owner of the home.☐ (Name) and I own the home.☐ (Name) is the only owner.☐ (Other. Specify.)

Does the property have a mortgage?

☐ No. ☐ Yes, and the amount still owing is \$.....

21. Have the parties agreed on the separation date?

☐ No ☐ Yes. It is (date)

22. Have the parties agreed on the value of some or all of the assets on the separation date?

☐ No☐ Yes. (List the assets and the agreed-upon value. If you need more space, attach a sheet.)

23. If the parties cannot agree on the value of some or all of the assets, is there an agreement on who will be doing the valuation?

☐ No ☐ Yes. The valuator's name is (name)

24. Is there a dispute over the ownership of any or all of the assets? ☐ No. ☐ Yes.

(In the table below, list the assets on whose ownership there is agreement. Then list those assets whose ownership is disputed.)

Owned by applicant		Owned by respondent		Jointly owned	
Description of asset	Value	Description of asset	Value	Description of asset	Value

Continued on next sheet. ➡

Form 17: Case Conference Brief (page 5)

Court file number

Owned by applicant		Owned by respondent		Jointly owned	
Description of asset	Value	Description of asset	Value	Description of asset	Value

(List the assets whose ownership is disputed.)

25. Is there a dispute over who is supposed to pay the debts of the parties?

- ☐ No. (Do not fill out table below.) ☐ Yes. (Give details in table below.)

Person to Whom Debt Owed	Reason for Getting into Debt	Amount Still Owed

PART 6: SUPPORT ISSUES

Not to be filled out in child protection cases unless the children's aid society is claiming support, in which case set out the facts only about the respondents.

26. Is there an agreement or a court order for child support?

- ☐ No.
☐ Yes, ☐ an agreement ☐ a court order

made on (date) that provides for a
 child support total of \$ per for (number of children) child(ren)
 and this amount ☐ is being paid.
 ☐ is not being paid in full. (Attach a statement of money owed — Form 26.)

27. Is there anyone else who is supporting the child(ren)?

- ☐ No.
☐ Yes. The name of this other person is

28. Is any of the parties supporting a former spouse or child(ren) of another relationship?

- ☐ No.
☐ Yes. (Give details.)

29. Support is being claimed for the following children:

Child's name	Age	Special or extraordinary expenses for child (add-ons)

Continued on other side. ➡

Form 17: Case Conference Brief (page 6)

Court file number

Child's name	Age	Special or extraordinary expenses for child (add-ons)

30. Is there an agreement or a court order for spousal support?

☐ No.☐ Yes, ☐ an agreement ☐ a court order

made on (date) that provides for

spousal support of \$ per, and this amount

☐ is being paid.☐ is not being paid in full. (Attach a statement of money owed — Form 26.)

31. Is there a claim for spousal support in this case?

☐ No.☐ Yes, and it is being made by (claimant's name) for the sum of \$ per

32. Are there any health issues for the parties that can affect the need for support or the ability to pay support?

☐ No.☐ Yes. (Attach a copy of any relevant medical report or other health record.)

33. Provide the following employment information about the parties:

	Applicant	Respondent
Employment status	<input type="checkbox"/> employed <input type="checkbox"/> self-employed <input type="checkbox"/> on disability <input type="checkbox"/> unemployed	<input type="checkbox"/> employed <input type="checkbox"/> self-employed <input type="checkbox"/> on disability <input type="checkbox"/> unemployed
Usual occupation(s)		
If unemployed or on disability, how long?		
Plans to retrain or to upgrade		

PART 7: OTHER ISSUES

34. Are there any disclosure orders that need to be made in this case?

☐ No.
☐ Yes. ☐ Pension valuation for (name of party)
☐ (Other. Specify.)

Continued on next sheet. ➡

Form 17: Case Conference Brief (page 7)

Court file number

35. Are there any further issues or concerns about which the case conference judge should be aware?

- ☐ No.
- ☐ Yes. (Give details.)

36. What is your timetable for the next steps in this case before the settlement conference?

Step in the case	Date

37. When will you be ready to attend a settlement conference? (Give earliest date.)

Signature of party

Date of party's signature

Signature of party's lawyer

Date of lawyer's signature

Court File Number

(Name of court)

**Form 17A: Settlement
Conference Brief**at _____
Court office address

(Name of person filing this brief)

(Date of settlement conference)

Applicant**Respondent**

Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).	Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).
Give your relationship to respondent:	Give your relationship to applicant:
Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

NOTE: SETTLEMENT CONFERENCE BRIEFS MUST BE EXCHANGED 7 OR MORE DAYS BEFORE THE SETTLEMENT CONFERENCE. THE BRIEFS WILL BE EITHER RETURNED AT THE END OF THE CONFERENCE OR IMMEDIATELY DESTROYED BY COURT STAFF.

NOTE: You can leave out any part of this form that is not applicable.

PART 1: THE ISSUES**1. What are the issues in this case that have NOT yet been settled:**

- ☐ child custody ☐ access ☐ child support ☐ child protection
☐ spousal support ☐ division of property ☐ ownership of property ☐ possession of home
☐ restraining order ☐ (Other. Specify.)

2. Are any of these issues so urgent that they need the court's attention by way of a temporary order or otherwise?

- ☐ No
☐ Yes. (Give details.)

3. What are the issues in this case that HAVE been settled:

- ☐ child custody ☐ access ☐ child support ☐ child protection
☐ spousal support ☐ division of property ☐ ownership of property ☐ possession of home
☐ restraining order ☐ (Other. Specify.)

4. Have any of the issues that have been settled been turned into a court order or a written agreement?

- ☐ No
☐ Yes ☐ an order
☐ a written agreement dated (date of agreement)

(Attach a copy of any agreement that the judge should read to prepare for the settlement conference.)

Continued on other side. ➡

———— **PART 2: MARRIAGE, COHABITATION AND SEPARATION** ————

In child protection cases, this Part should set out the facts only about the respondent(s) — usually, the parent(s).

5. **APPLICANT:** Age: Birthdate:
Resident in (municipality & province)
since (date)
Surname at birth: Surname just before marriage:
Divorced before? ☐ No ☐ Yes
If yes, give place and date of previous divorce:
6. **RESPONDENT:** Age: Birthdate:
Resident in (municipality & province)
since (date)
Surname at birth: Surname just before marriage:
Divorced before? ☐ No ☐ Yes
If yes, give place and date of previous divorce:
7. **RELATIONSHIP DATES:**
☐ Married on (date) ☐ Started living together on (date)
☐ Separated on (date) ☐ Never lived together. ☐ Still living together.
8. At separation, were there any unwritten or written arrangements between the parties?
☐ No.
☐ Yes. (Give details, including the date of the arrangement, which party is now living in the family home now, when the other party moved out and any special circumstances about the move. If any part of the arrangement was written down, attach a copy.)

———— **PART 3: THE CHILD(REN)** ————

9. The basic information about the child(ren) is as follows:

Child's full legal name	Age	Birthdate (day, month, year)	Grade/Year and school	Now living with

10. The access arrangements for the child(ren) are as follows: (Beside each child's name, give details of access arrangements.)

Child's name	Access arrangements

Continued on next sheet. ➡

Form 17A: Settlement Conference Brief (page 3)

Court file number

.....
.....
.....
.....
.....

11. Are there any special concerns about the child(ren) (for example, health or education) that the settlement conference judge should know about?
- ☐ No.
- ☐ Yes. (Beside each child's name, give details of concern or problem.)

Child's name

Concern or problem

.....
.....
.....
.....

12. Are you asking for any changes to the custody and access arrangement that you now have?
- ☐ No.
- ☐ Yes. (Give details of your proposed change.)

13. Has a custody or access assessment been finished in this case?
- ☐ No ☐ Yes. (Attach a copy unless it is already part of the continuing record, in which case, give the tab/page number(s):

14. Is the Office of the Children's Lawyer to be involved in this case for one or more of the children?
- ☐ No ☐ Yes.

15. Have you attended a family law information meeting?
- ☐ No ☐ Yes, on (date)

16. (For child protection cases only.)
- Has any of the parties prepared a plan of care for the children?
- ☐ the children's aid society. ☐ the respondent(s). ☐ No one.
- (Attach a copy unless it is already part of the continuing record, in which case, give the tab/page number(s):

PART 4: FINANCIAL INFORMATION

Not to be filled out in child protection cases unless the children's aid society is claiming support, in which case set out the facts only about the respondents.

17. The applicant's gross annual income is \$.....
- The respondent's gross annual income is \$.....

18. The details of that income (investment, trusts, salaries, commissions, overtime, etc.) is as follows:

APPLICANT		RESPONDENT	
Source	Amount	Source	Amount

Continued on other side. ➡

Form 17A: Settlement Conference Brief (page 4)

Court file number

APPLICANT		RESPONDENT	
Source	Amount	Source	Amount

PART 5: PROPERTY

Not to be filled out in child protection cases. Go to Part 6.

19. I live in ☐ a house ☐ an apartment ☐ (Other. Specify.)
that I ☐ rent. ☐ own.

(If you not rent your home, fill out the information below.)

- ☐ I am the sole owner of the home.
☐ (Name) and I own the home.
☐ (Name) is the only owner.
☐ (Other. Specify.)

Does the property have a mortgage?

- ☐ No. ☐ Yes, and the amount still owing is \$

20. Have the parties agreed on the separation date?

- ☐ No ☐ Yes. It is (date)

21. Have the parties agreed on the value of some or all of the assets on the separation date?

- ☐ No
☐ Yes. (List the assets and the agreed-upon value. If you need more space, attach a sheet.)

22. If the parties cannot agree on the value of some or all of the assets, is there an agreement on who will be doing the valuation?

- ☐ No ☐ Yes. The valuator's name is (name)

23. Is there a dispute over the ownership of any or all of the assets? ☐ No. ☐ Yes.

(In the table below, list the assets on whose ownership there is agreement. Then list those assets whose ownership is disputed.)

Owned by applicant		Owned by respondent		Jointly owned	
Description of asset	Value	Description of asset	Value	Description of asset	Value

Continued on next sheet. ➡

Form 17A: Settlement Conference Brief (page 5)

Court file number

Owned by applicant		Owned by respondent		Jointly owned	
Description of asset	Value	Description of asset	Value	Description of asset	Value

(List the assets whose ownership is disputed.)

24. Is there a dispute over who is supposed to pay the debts of the parties?

- ☐ No. (Do not fill out table below.) ☐ Yes. (Give details in table below.)

Person to Whom Debt Owed	Reason for Getting into Debt	Amount Still Owed

25. Have all the persons needed to decide the property, ownership and debt issues in this case been made parties to the case? ☐ Yes. ☐ No. (List the persons who still need to be added as parties.)

PART 6: SUPPORT ISSUES

Not to be filled out in child protection cases unless the children's aid society is claiming support, in which case set out the facts only about the respondents.

26. Is there an agreement or a court order for child support?

- ☐ No.
☐ Yes, ☐ an agreement ☐ a court order

made on (date) that provides for a
 child support total of \$ per for (number of children) child(ren)
 and this amount ☐ is being paid.
 ☐ is not being paid in full. (Attach a statement of money owed — Form 26.)

27. Is there anyone else who is supporting the child(ren)?

- ☐ No.
☐ Yes. The name of this other person is

28. Is any of the parties supporting a former spouse or child(ren) of another relationship?

- ☐ No. ☐ Yes. (Give details.)

Continued on other side. ➡

Form 17A: Settlement Conference Brief (page 6)

Court file number

29. Support is being claimed for the following children:

Child's name	Age	Special or extraordinary expenses for child (add-ons)

30. Is there an agreement or a court order for spousal support?

☐ No.☐ Yes, ☐ an agreement ☐ a court ordermade on (date) that provides for
spousal support of \$ per, and this amount☐ is being paid.☐ is not being paid in full. (Attach a statement of money owed — Form 26.)

31. Is there a claim for spousal support in this case?

☐ No.☐ Yes, and it is being made by (claimant's name) for
the sum of \$ per

32. Are there any health issues for the parties that can affect the need for support or the ability to pay support?

☐ No.☐ Yes. (Attach a copy of any relevant medical report or other health record.)

33. Provide the following employment information about the parties:

	Applicant	Respondent
Employment status	<input type="checkbox"/> employed <input type="checkbox"/> self-employed <input type="checkbox"/> on disability <input type="checkbox"/> unemployed	<input type="checkbox"/> employed <input type="checkbox"/> self-employed <input type="checkbox"/> on disability <input type="checkbox"/> unemployed
Usual occupation(s)		
If unemployed or on disability, how long?		
Plans to retrain or to upgrade		

Continued on next sheet. ➡

Form 17A: Settlement Conference Brief (page 7)

Court file number

—— PART 7: RECONCILIATION, MEDIATION AND ASSESSMENT ——

34. Have any attempts to reconcile been made?

- ☐ No.
☐ There is no possibility of reconciliation.
☐ Yes. *(Give details.)*

35. Would you like any information about counselling or guidance facilities?

- ☐ No. ☐ Yes.

—— PART 8: PROCEDURAL MATTERS ——

36. Have discoveries/cross-examinations taken place?

- ☐ Yes. ☐ No. ☐ Still in progress. ☐ Not needed in this case.

37. The following matters relating to discoveries/cross-examinations still remain unfinished: *(Give details, if any.)*38. I attach a summary of the relevant orders in this case. *(Attach the summary of court cases — Form 8E.)*

39. Have those orders been carried out?

- ☐ Yes. ☐ No. *(Explain.)*

40. Does the application, answer or reply need to be changed?

- ☐ No. ☐ Yes. *(Explain.)*

41. The next steps in this case should be:

42. Are there any tax implications of the claims made in this case?

- ☐ No. ☐ Yes. *(Give details. If you need more space, attach an additional sheet and number it.)*

43. I am attaching a copy of an offer to settle that is now open for acceptance. *(If there is no offer, you MUST make and attach one)*44. Who are the witnesses whom you intend to call at trial? *(Give names.)*

Continued on other side. ➡

Form 17A: Settlement Conference Brief (page 8)

Court file number

45. Of those witnesses, the following will be experts who will talk about the following things:

Name of expert witness	Summary of expert's evidence

46. I estimate that the time needed for my witnesses to testify and to be cross-examined, for the presenting of any documentary evidence at trial is days.

47. Are there any dates on which you or your lawyer cannot come to court for the trial?

☐ No. ☐ Yes. (*List the problem dates and explain the problem.*)

Attach the following documents that are relevant to the remaining issues in this case. Use numbered tabs to separate them.

1. **If support is an issue for the trial:—** Your financial statement, which must not be more than 30 days old. If it is older, it must be accompanied by your affidavit saying that the information in the statement is still correct today.
2. **If property is an issue for the trial:—** Your net family property statement, which must not be more than 30 days old. If it is older, it must be accompanied by your affidavit saying that the information in the statement is still correct today. It must also be accompanied by documents confirming any figures in this case, including valuations of business, pension, land or other property.
3. **If child support is an issue for the trial and**
 - (a) a party's income is over \$150,000 per year; or
 - (b) a child is 18 years of age or more; or
 - (c) there is a claim for special or extraordinary expenses (add-ons) for the child(ren); or
 - (d) there is a claim for undue hardship in paying child support:—

A budget for the child(ren)'s expenses, including the child(ren)'s portion of the cost of housing, utilities, food, etc. relating to the child(ren) and the basis for the portion allocated to child(ren).
4. **If custody or access is an issue for the trial:—** Assessment reports on custody or access and Children's Lawyer's reports (if any).
5. **If this is a child protection case:—** The plan of care from the children's aid society and (if any) from the respondent(s).
6. Medical reports.
7. Your latest offer to settle that remains open for acceptance. If there is none open for acceptance, you must make an offer and attach it.
8. Any cases, text extracts or articles that would help the judge prepare for the settlement conference.
9. Any other relevant documents that would help the judge prepare for the settlement conference.

*Signature of party*_____
*Date of party's signature*_____
*Signature of party's lawyer*_____
Date of lawyer's signature

Court File Number

(Name of court)

**Form 17B: Trial
Management
Conference Brief**at _____
Court office address

(Name of person filing this brief)

(Date of trial management conference)

Applicant**Respondent**Full legal name & address for service — street & number, municipality,
postal code, telephone & fax and e-mail address (if any).Full legal name & address for service — street & number, municipality,
postal code, telephone & fax and e-mail address (if any).

Give your relationship to respondent:

Give your relationship to applicant:

Lawyer's name & address — street & number, municipality, postal code,
telephone & fax numbers and e-mail address (if any).Lawyer's name & address — street & number, municipality, postal code,
telephone & fax numbers and e-mail address (if any).

NOTE: TRIAL MANAGEMENT CONFERENCE BRIEFS MUST BE EXCHANGED 7 OR MORE DAYS BEFORE THE TRIAL MANAGEMENT CONFERENCE. THE BRIEFS WILL BE EITHER RETURNED AT THE END OF THE CONFERENCE OR IMMEDIATELY DESTROYED BY COURT STAFF.

NOTE: You can leave out any part of this form that is not applicable.

PART 1: THE ISSUES**1. What are the Issues in this case that have NOT yet been settled:**

- | | | | |
|--|---|--|---|
| <input type="checkbox"/> child custody | <input type="checkbox"/> access | <input type="checkbox"/> child support | <input type="checkbox"/> child protection |
| <input type="checkbox"/> spousal support | <input type="checkbox"/> division of property | <input type="checkbox"/> ownership of property | <input type="checkbox"/> possession of home |
| <input type="checkbox"/> restraining order | <input type="checkbox"/> (Other. Specify.) | | |

2. What are the Issues in this case that HAVE been settled:

- | | | | |
|--|---|--|---|
| <input type="checkbox"/> child custody | <input type="checkbox"/> access | <input type="checkbox"/> child support | <input type="checkbox"/> child protection |
| <input type="checkbox"/> spousal support | <input type="checkbox"/> division of property | <input type="checkbox"/> ownership of property | <input type="checkbox"/> possession of home |
| <input type="checkbox"/> restraining order | <input type="checkbox"/> (Other. Specify.) | | |

3. Have any of the issues that have been settled been turned into a court order or a written agreement?☐ No☐ Yes ☐ an order☐ a written agreement dated (date of agreement)

(Attach a copy of any agreement that the judge should read to prepare for the trial management conference.)

Continued on other side. ➡

Form 17B: Trial Management Conference Brief (page 2)

Court file number

———— PART 2: PROCEDURAL MATTERS ————

5. Are all matters concerning discoveries/cross-examinations finished?
☐ Yes. ☐ No. (*Give details.*)
6. I attach a list of the relevant orders in this case. (*Attach the summary of court cases — Form 8E.*)
7. Are there any orders or directions for trial that have not been carried out?
☐ No. ☐ Yes. (*Explain.*)
8. Have the parties produced a joint document brief?
☐ Yes. (*Attach a copy.*) ☐ No. (*Explain why not.*)
9. Have the parties agreed that the trial judge can receive some evidence by affidavit or in the form of a written report, subject to cross-examination?
☐ Yes. (*Attach a copy.*) ☐ No. (*Explain why not.*)
10. Are there any preliminary or procedural matters that need to be dealt with before or at the start of the trial?
☐ No. ☐ Yes. (*Explain.*)

———— PART 3: ISSUES FOR TRIAL ————

11. Have the parties produced a statement of agreed facts?
☐ Yes. (*Attach a copy.*) ☐ No. (*Explain why not.*)

Continued on next sheet ➡

Form 17B: Trial Management Conference Brief (page 3)

Court file number

12. What are the remaining issues in this case?*(For each issue, summarize:*

- (a) the undisputed facts;*
- (b) the theory of your case on that issue; and*
- (c) the evidence that you plan to present on that issue.*

This summary should be a draft of your opening statement for the trial. If you need more space, attach an extra sheet and number it.)

Form 17B: Trial Management Conference Brief (page 4)

Court file number

13. These are the witnesses whom I plan to have testify for me and this is a summary of what I expect them to say:

Name of witness	Summary of expected evidence

14. I estimate that the time needed for my witnesses to testify and to be cross-examined, for the presenting of my documentary evidence at trial is days.

Attach the following documents that are relevant to the remaining issues in this case. Use numbered tabs to separate them.

1. **If support is an issue for the trial:—** Your financial statement, which must not be more than 30 days old. If it is older, it must be accompanied by your affidavit saying that the information in the statement is still correct today.
2. **If property is an issue for the trial:—** Your net family property statement, which must not be more than 30 days old. If it is older, it must be accompanied by your affidavit saying that the information in the statement is still correct today. It must also be accompanied by documents confirming any figures in this case, including valuations of business, pension, land or other property.
3. **If child support is an issue for the trial and**
 - (a) a party's income is over \$150,000 per year; or
 - (b) a child is 18 years of age or more; or
 - (c) there is a claim for special or extraordinary expenses (add-ons) for the child(ren); or
 - (d) there is a claim for undue hardship in paying child support:—

A budget for the child(ren)'s expenses, including the child(ren)'s portion of the cost of housing, utilities, food, etc. relating to the child(ren) and the basis for the portion allocated to child(ren).
4. **If custody or access is an issue for the trial:—** Assessment reports on custody or access and Children's Lawyer's reports (if any).
5. **If this is a child protection case:—** The plan of care from the children's aid society and (if any) from the respondent(s).
6. Any other relevant documents that would help the judge prepare for the trial management conference.

Signature of party

Date of party's signature

Signature of party's lawyer

Date of lawyer's signature

Court File Number

(Name of court)

**Form 20: Request
for Information**at _____
Court office address**Applicant(s)**Full legal name & address for service — street & number, municipality,
postal code, telephone & fax and e-mail address (if any).Lawyer's name & address — street & number, municipality, postal code,
telephone & fax numbers and e-mail address (if any).**Respondent(s)**Full legal name & address for service — street & number, municipality,
postal code, telephone & fax numbers and e-mail address (if any).Lawyer's name & address — street & number, municipality, postal code,
telephone & fax numbers and e-mail address (if any).**TO:** (name of party)This is a request for information in writing under subrule 20(2) of the *Family Law Rules*.

I request that the information be provided within days by

- ☐ an affidavit from (name of person(s))
- ☐ a letter from (name of person(s))
- ☐ (Other. Specify.)

The information that I am requesting is as follows: (Be as specific as possible. If you want more than one piece of information,
number the requested pieces of information.)**IF YOU DO NOT PROVIDE THE INFORMATION AS REQUESTED,**

- (1) A SUMMONS MAY BE SERVED ON YOU, REQUIRING YOU TO BE QUESTIONED ABOUT IT; or
- (2) A MOTION MAY BE MADE TO THE COURT FOR AN ORDER REQUIRING YOU TO PROVIDE THE
INFORMATION AND YOU MAY BE ORDERED TO PAY THE COSTS OF THE MOTION.

Signature_____
Date of signature

SEAL

(Name of court)

Court office address

at

Court File Number

Form 20A:

Authorization to

Commissioner

Applicant(s)

<div>Full legal name & address for service — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</div>	<div>Lawyer's name & address — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</div>
---	---

Respondent(s)

<div>Full legal name & address for service — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</div>	<div>Lawyer's name & address — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</div>
---	---

TO (full legal name and address of commissioner)

THE COURT HAS NAMED YOU A COMMISSIONER to take evidence in this case. A copy of the order naming you is attached.

THE COURT GIVES YOU FULL POWER to take the necessary steps to take the evidence mentioned in the attached order.

If the parties consent, you also have the power to take the evidence of any other witnesses who may be found in (name of province, territory, state or country)

In carrying out your duties under this commission, you must follow,

(a) the terms of the attached order; and

(b) the instructions set out below.

As soon as

☐ an audio recording

☐ a video recording

☐ a transcript

of the evidence is finished, you must deliver it to the clerk of the court along with this commission.

Signature

Date of signature

Form 20A: Authorization to Commissioner (page 2)

Court file number

INSTRUCTIONS TO COMMISSIONER

1. You are to question the witness(es) according to subrules 20(14), (15) and 23(19) of the *Family Law Rules* to the extent that it is possible to do so. Subrules 20(14), (15) and 23(19) state as follows:

QUESTIONING PERSON OUTSIDE ONTARIO

20.—(14) If a person to be questioned lives outside Ontario and will not come to Ontario for questioning, the court may decide.

- (a) the date, the time and place for the questioning;
- (b) how much notice the person should be given;
- (c) the person before whom the questioning will be held;
- (d) the amount of the witness fee to be paid to the person to be questioned;
- (e) the method for recording the questioning;
- (f) where necessary, that the clerk shall issue,
 - (i) an authorization to a commissioner (Form 20A) who is to supervise the questioning outside Ontario, and
 - (ii) a letter of request (Form 20B) to the appropriate court or authorities outside Ontario, asking for their assistance in getting the person to be questioned to come before the commissioner, and
- (g) any other related matter.

COMMISSIONER'S DUTIES

(15) A commissioner authorized under subrule (14) shall

- (a) supervise the questioning according to the terms of the court's authorization, these rules and Ontario's law of evidence, unless the law of the place where the questioning is to be held requires some other manner of questioning;
- (b) make and keep a copy of the record of the questioning and, where possible, of the exhibits, if any;
- (c) deliver the original record, any exhibits and the authorization to the clerk who issued it; and
- (d) notify the party who asked for the questioning that the record has been delivered to the clerk.

TAKING EVIDENCE BEFORE TRIAL OUTSIDE ONTARIO

23.—(19) If a witness whose evidence is necessary at trial lives outside Ontario, subrules 20(14) and (15) (questioning person outside Ontario, commissioner's duties) apply with necessary changes.

2. The law of Ontario applies to the taking of evidence, unless the law of the province, territory, state or country where you supervise the questioning requires you to follow some other manner of questioning.
3. Before you begin your duties under this commission, you yourself must take the following oath or affirmation:

I, (commissioner's name)

☐ swear ☐ affirm

that I will, (a) according to the best of my skill and knowledge, truly and faithfully and without bias to any of the parties to this case, take the evidence of every witness questioned under this commission, and

(b) cause the evidence to be ☐ recorded
☐ recorded and transcribed

and sent to the court.

(In an oath, add the words: "So help me God.")

Sworn/Affirmed before me at
municipality

municipality

in
 province, state or country

.....
 province, state or country

on date

date

Signature

(This form is to be signed in front of a lawyer, justice of the peace, notary public or commissioner for taking affidavits.)

Commissioner for taking affidavits

(Type or print name below if signature is illegible.)

Continued on next sheet. ➡

Form 20A: Authorization to Commissioner (page 3)

Court file number

You may take this oath or affirmation before any person listed in section 45 of Ontario's *Evidence Act* who is authorized to take affidavits or to administer oaths or affirmations outside Ontario. Section 45 of the *Evidence Act* states:

45. Oaths, etc., administered outside Ontario.—(1) An oath, affidavit, affirmation or statutory declaration administered, sworn, affirmed or made outside Ontario before,

- (a) a judge;
- (b) a magistrate;
- (c) an officer of a court of justice;
- (d) a commissioner for taking affidavits or other competent authority of the like nature;
- (e) a notary public;
- (f) the head of a city, town, village, township or other municipality;
- (g) an officer of any of Her Majesty's diplomatic or consular services, including an ambassador, envoy, minister, chargé d'affaires, counsellor, secretary, attaché, consul-general, consul, vice-consul, pro-consul, consular agent, acting consul-general, acting consul, acting vice-consul and acting consular agent;
- (h) an officer of the Canadian diplomatic, consular or representative services, including, in addition to the diplomatic and consular officers mentioned in clause (g), a high commissioner, permanent delegate, acting high commissioner, acting permanent delegate, counsellor and secretary; or
- (i) a Canadian Government trade commissioner or assistant trade commissioner,

exercising his or her functions or having jurisdiction or authority as such in the place in which it is administered, sworn, affirmed or made, is as valid and effectual to all intents and purposes as if it had been duly administered, sworn, affirmed or made in Ontario before a commissioner for taking affidavits in Ontario.

(2) *Idem.*—An oath, affidavit, affirmation or statutory declaration administered, sworn, affirmed or made outside Ontario before a notary public for Ontario or before a commissioner for taking affidavits in Ontario is as valid and effectual to all intents and purposes as if it had been duly administered, sworn, affirmed or made in Ontario before a commissioner for taking affidavits in Ontario.

(3) *Admissibility.*—A document that purports to be signed by a person mentioned in subsection (1) or (2) in testimony of an oath, affidavit, affirmation or statutory declaration having been administered, sworn, affirmed or made before him or her, and on which the person's office is shown below his or her signature, and

- (a) in the case of a notary public, that purports to have impressed thereon or attached thereto his or her official seal;
- (b) in the case of a person mentioned in clause (1)(f), that purports to have impressed thereon or attached thereto the seal of the municipality;
- (c) in the case of a person mentioned in clause (1)(g), (h) or (i), that purports to have impressed thereon or attached thereto his or her seal or the seal or stamp of his or her office or of the office to which he or she is attached,

is admissible in evidence without proof of his or her signature or of his or her office or official character or of the seal or stamp and without proof that he or she was exercising his or her functions or had jurisdiction or authority in the place in which the oath, affidavit, affirmation or statutory declaration was administered, sworn, affirmed or made.

4. The party who wants the witness to be questioned must:

- (a) give at least days notice of the date for the questioning; and,
- (b) where the attached order says so, pay the witness appearance money.

5. You must arrange:

- (a) to have the evidence recorded in a manner set out in the attached order; and
- (b) where the order says so, to have it transcribed.

You must administer the following oath or affirmation to the person who records the evidence in shorthand and, where necessary, to the person who transcribes and written, audio or video recording of the evidence:

You ☐ swear ☐ affirm
that you will truly and accurately ☐ record
☐ transcribe
☐ record and transcribe

all questions put to all witnesses and their answers in keeping with the directions of the commissioner. (In an oath, add the words: "So help you God.")

Continued on other side. ➡

Form 20A: Authorization to Commissioner (page 4)

Court file number

6. To each witness whose evidence you take, you must administer the following oath or affirmation:

You ☐ swear ☐ affirm

that the evidence that you are about to give about the matters in dispute between the parties in this case shall be the truth, the whole truth and nothing but the truth. *(In an oath, add the words: "So help you God.")*

7. Where any witness does not understand the language in which he or she is being questioned or is deaf or mute, his or her evidence must be given through an interpreter. You must first administer the following oath or affirmation to the interpreter:

You ☐ swear ☐ affirm

that you understand the language and the language in which the examination is to be conducted and that you will truly interpret the

☐ oath ☐ affirmation

to all witnesses, all questions put to the witness and the answers of the witness, to the best of your skill and understanding. *(In an oath, add the words: "So help you God.")*

8. You must:

- (a) fill out the certificate on the next page;
- (b) make a copy of
 - (i) the audio or video record of the evidence,
 - (ii) any transcript of the evidence, and
 - (iii) where possible, any exhibits;
- (c) keep the copies in your care until the court finishes this case;
- (d) mail or deliver the originals, together with this commission and your certificate, to the clerk of the court; and
- (e) immediately notify the party who asked for this questioning that the material has been sent to the clerk of the court.

Continued on next sheet. ➡

Form 20A: Authorization to Commissioner (page 5)

Court file number

COMMISSIONER'S CERTIFICATE

My name is *(full legal name)*
and I certify that:

☐ I administered the proper ☐ oath ☐ affirmation
to *(name)*
who was the person who ☐ recorded the evidence by shorthand.
☐ transcribed the evidence.

☐ I administered the proper ☐ oath ☐ affirmation
to *(name of witness(es))*
whose evidence was taken and recorded.

☐ I administered the proper ☐ oath ☐ affirmation
to *(name of interpreter)*
who was the interpreter through whom the evidence was given.

☐ The evidence of the witness(es) was properly taken and accurately
☐ recorded
☐ recorded and transcribed.

Commissioner's signature

Date of signature



(Name of court)

Court File Number

at _____
Court office address

**Form 20B: Letter
of Request**

Applicant(s)

<p><i>Full legal name & address for service — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p>	<p><i>Lawyer's name & address — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p>
--	--

Respondent(s)

<p><i>Full legal name & address for service — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p>	<p><i>Lawyer's name & address — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p>
--	--

TO THE JUDICIAL AUTHORITIES OF *(name of province, state or country):*

A CASE HAS BEEN STARTED IN THIS COURT INVOLVING THE PERSONS NAMED ABOVE. EVIDENCE BEFORE THIS COURT SHOWS THAT A WITNESS LIVING IN YOUR JURISDICTION SHOULD BE QUESTIONED THERE. THIS COURT HAS ISSUED A COMMISSION TO *(name and address of commissioner):*

TO QUESTION *(name and address of witness):*

YOU ARE REQUESTED to have *(name of witness)*

- (a) appear before the commissioner by the method normally used in your jurisdiction;
- (b) answer questions under oath or affirmation; and
- (c) bring to the examination the documents or things listed on the back of this request.

YOU ARE ALSO REQUESTED TO allow the commissioner to have the witness questioned according to Ontario's law of evidence, to Ontario's rules of court and to the commission issued by this court.

AND WHEN YOU REQUEST IT, the courts in Ontario are ready and willing to do the same for you in a similar case.

THIS LETTER OF REQUEST is signed and sealed by a court order made on *(date of order)*

Clerk of the court

Date of signature

Continued on other side. ➡

Form 20B: Letter of Request (page 2)

Court file number

(Give the date of every document that the witness should bring and give enough of a description of each document or thing that the witness must bring to identify it.)

Put a line through any blank space left on this page. If you need more space, add a sheet and number the page.

Court File Number

(Name of court)

**Form 22: Request
to Admit**

at

Court office address

Applicant(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Respondent(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

TO: (name of party)

YOU MUST RESPOND TO THIS REQUEST WITHIN 20 DAYS AFTER BEING SERVED WITH IT.

You make your response by serving a *Response to Request to Admit* in Form 22A, a blank copy of which should be attached to this request. If the blank form is missing, contact your own lawyer or the court office as soon as possible.

IF YOU DO NOT RESPOND WITHIN THE TIME GIVEN, THIS CASE WILL GO TO COURT ON THE BASIS THAT YOU ARE ADMITTING, for the purposes of this case only, THAT THE FACTS SET OUT BELOW ARE TRUE AND THAT THE DOCUMENTS DESCRIBED BELOW ARE GENUINE.

You are requested to admit, only for the purposes of this case, that the following facts are true: (If you need more space to list additional facts, attach an extra sheet.)

- 1.
- 2.
- 3.
- 4.
- 5.

Continued on other side. ➡

Form 22: Request to Admit (page 2)

Court file number

You are requested to admit, only for the purposes of this case, that the following documents are genuine. (Being "genuine" also means:

- that a document that claims to be an original was written, signed or sealed as it appears to have been;
- that a document claiming to be a copy is a true copy of the original; and
- where the document claims to be a copy of a letter, fax, electronic-mail message or other document ordinarily sent from one person to another, that it was sent as it appears to have been sent and received by the person to whom it was addressed.

Describe each document and identify it by date, type of document, author, name of person to whom it was sent, etc. Indicate whether the document is an original or a copy. If you need more space to list additional documents, attach a sheet.)

1.

2.

3.

4.

5.

A copy of each document named above is attached to this Request, except for: (Give the number of any document that you are NOT attaching and state your reason for not doing so. Generally, you must attach copies of all the documents mentioned unless the other party already has a copy or it is impractical to attach a copy.)

Signature

Date of signature

Court File Number

(Name of court)

**Form 22A: Response
to Request to Admit**

at

Court office address

Applicant(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Respondent(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

TO: (name of party)

This is my response to your Request to Admit of (date)
that was served on me on (date)

(Refer to the facts and documents according to the numbering set out in the Request to Admit.)

1. I admit that the following facts are true: (fact numbers)
2. I admit that the following documents are genuine: (document numbers)
3. I deny that the following facts are true: (fact numbers)
4. I deny that the following documents are genuine: (document numbers)
5. I refuse to admit the following facts for the following reasons: (If you need more space, attach a sheet.)

Fact number	My reasons

Continued on other side. ➡

Form 22A: Response to Request to Admit (page 2)

Court file number

6. I refuse to admit that the following documents are genuine for the following reasons: *(If you need more space, attach a sheet.)*

Document number	My reasons

Signature

Date of signature

Court File Number

(Name of court)

**Form 23: Summons
to Witness**

at

Court office address

Applicant(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Respondent(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

TO: (full legal name of witness)**of** (address: street & number, municipality, postal code)**YOU MUST:****(1) come to** (address: street & number, municipality)

on (date), at a.m./p.m.;

(2) give evidence in the case or examination before (court or other person)**(3) bring with you the documents and things listed on the back of this summons; and****(4) remain there until this case or examination is finished or until the person conducting it says otherwise.**

With this summons, you should get a fee that is calculated for day(s) of attendance as follows:

Appearance allowance of \$	daily	\$
Travel allowance of \$	each way	\$
Overnight hotel and meal allowance		\$
TOTAL		\$

If the case or examination takes up more of your time, you will be entitled to an additional fee.

Date of issue

**IF YOU DO NOT COME AND REMAIN AS REQUIRED
BY THIS SUMMONS, A WARRANT MAY BE ISSUED
FOR YOUR ARREST.**

Continued on other side. ➡

Form 23: Summons to Witness (page 2)

Court file number

(Give the date of every document that the witness must bring and give enough of a description to identify each document or thing that the witness must bring.)

Draw a line through any blank space left on this page. If you need more space, you can add pages and number them.

Name, address, telephone & fax numbers and e-mail address of person or lawyer who prepared this summons.



(Name of court)

Court File Number _____

at _____
Court office address

**Form 23A: Summons
to Witness outside
Ontario**

Applicant(s)

<p><i>Full legal name & address for service — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p>	<p><i>Lawyer's name & address — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p>
--	--

Respondent(s)

<p><i>Full legal name & address for service — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p>	<p><i>Lawyer's name & address — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p>
--	--

TO: (full legal name of witness)
of (address: street & number, municipality, postal code)

YOU MUST:

(1) come to (address: street & number, municipality)

on (date) _____, at _____ a.m./p.m.;

(2) give evidence in the case or examination before (court or other person)

(3) bring with you the documents and things listed on the back of this *Summons*; and

(4) remain there until this case or examination is finished or until the person conducting it says otherwise.

With this *Summons*, you should get a fee that is calculated for _____ day(s) of attendance as follows:

Appearance allowance of \$20 for each day that
you are away from home (\$60 minimum) \$

Travel allowance \$

Overnight hotel for minimum of 3 days (\$60 minimum) \$

Meal allowance for minimum of 3 days (\$60 minimum) \$

TOTAL \$

If the case or examination takes up more of your time, you will be entitled to an additional fee.

IF YOU DO NOT COME AND REMAIN AS REQUIRED BY THIS SUMMONS, A WARRANT MAY BE ISSUED FOR YOUR ARREST.

Date of issue

Signature of the clerk of the court

Continued on other side. ➡

Form 23A: Summons to Witness outside Ontario (page 2)

Court file number

(Give the date of every document that the witness must bring and give enough of a description to identify each document or thing that the witness must bring.)

Draw a line through any blank space left on this page. If you need more space, you can add pages and number them.

This summons was issued at the request of and inquiries may be directed to:
(Name, address, telephone number & fax numbers and e-mail address of person or lawyer who requested this summons.)

Form 23A: Summons to Witness outside Ontario (page 3)

Court file number

JUDGE'S CERTIFICATE

I, (name), a judge
 of the (name of court)
 CERTIFY THAT I have heard and examined (name of party or parties who have asked for this Summons or of his, her or their lawyer)

who seek(s) to compel the attendance of (name of witness(es))

to produce documents or other articles or to testify, or both, in an Ontario case in the (name of court in which witness is to appear)
 involving (names of parties in the case and court file number)

I FURTHER CERTIFY THAT I am persuaded that the appearance of (name of witness(es))

as a witness/witnesses in the case is necessary for the due adjudication of the case, and, in relation to the nature and importance of cause or proceeding, is reasonable and essential to the due administration of justice in Ontario.

The *Interprovincial Summonses Act* makes the following provision for the immunity of (name of witness(es))

A person who is required to attend before a court in Ontario by a summons adopted by a court outside Ontario shall be deemed, while within Ontario for the purposes for which the summons was issued, not to have submitted to the jurisdiction of the courts of Ontario other than as a witness in the proceedings in which the person is summoned and shall be absolutely immune from seizure of goods, service of process, execution of judgment, garnishment, imprisonment or molestation of any kind relating to a legal or judicial right, cause, action, proceeding or process within the jurisdiction of the Legislature of Ontario except only those proceedings grounded on events occurring during or after the required attendance of the person in Ontario.

 (Signature of judge)

 (Date of signature)

SEAL OF
THE COURT



(Name of court)

Court File Number

Form 23B: Order for
Prisoner's Attendance

at

Court office address

Applicant(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Judge (print or type name)

Respondent(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

TO THE OFFICERS OF (name of correctional institution)

AND TO ALL PEACE OFFICERS IN ONTARIO:

THIS COURT has found that a prisoner at the institution or facility named above, (prisoner's full legal name)

- is ☐ a party in this case;
☐ a witness whose presence is necessary to decide an issue in this case.

THIS COURT ORDERS THAT:

1. You produce the prisoner before ☐ this court
☐ (Specify other officer before whom attendance is required)

on (date) , at a.m./p.m. at (address)

to enable the prisoner to come to court or to an examination in this case.

2. The prisoner be returned and re-admitted immediately afterwards to the correctional institution or other facility from which he/she was brought.

Date of signature

Signature of judge or clerk of the court

Court File Number

(Name of court)

Form 23C: Affidavit for
Uncontested Trial, dated

at

Court office address

Applicant(s)Full legal name & address for service — street & number, municipality,
postal code, telephone & fax and e-mail address (if any).Lawyer's name & address — street & number, municipality, postal code,
telephone & fax numbers and e-mail address (if any).**Respondent(s)**Full legal name & address for service — street & number, municipality,
postal code, telephone & fax numbers and e-mail address (if any).Lawyer's name & address — street & number, municipality, postal code,
telephone & fax numbers and e-mail address (if any).

My name is (full legal name)

I live in (municipality & province)

and I swear/affirm that the following is true:

1. I am the applicant in this case.
2. There is/are (number) child(ren) from our relationship, namely:

Full Legal Name	Age	Birthdate	Resident in (municipality & province)	Now Living with (name of person and relationship to child)

3. I am asking for the following order:

- ☐ custody of the child(ren) named above
- ☐ access to the child(ren) named above
- ☐ support for (name of recipient(s))
- ☐ a restraining order against the respondent (name)
- ☐ (Other. Specify.)

4. The respondent and I were:

- ☐ married on (date)
- ☐ separated on (date)
- ☐ started living together on (date)
- ☐ never lived together.

Continued on other side. ➡

CUSTODY AND ACCESS

Fill this section out if you are claiming custody of one or more of the children.

5. An order giving me custody of the child(ren) is in the best interests of the child(ren) because: *(Give reasons.)*
6. An order giving the respondent access to the children
☐ is ☐ is not
in the best interests of the child(ren) because: *(Give reasons.)*
7. If an order for access is made, it should be:
☐ reasonable access on reasonable notice;
☐ reasonable access on reasonable notice including but not limited to the terms below:
☐ on the following terms:

☐ every other weekend from p.m. on Friday until p.m. on Sunday or Monday, if Monday is a
statutory holiday, starting on *(date)*
☐ alternate spring breaks, starting in *(year)*
☐ weeks during the summer vacation, to be decided by the parties before April 1 of each year.
☐ one half of the Christmas break, starting on *(date)* and ending
on *(date)* to be shared as follows:

☐ Father's Day with the father; Mother's Day with the mother.
☐ *(Other. Specify.)*

Form 23C: Affidavit for Uncontested Trial (page 3)

Court file number

CHILD SUPPORT*Fill out this section if you are claiming child support.*

8. I am claiming support for (number) child(ren).
9. To the best of my knowledge, the source(s) of the respondent's income is/are: *(Check one or more boxes as circumstances require.)*
- ☐ employment income at *(employer's name and address)*
 - ☐ commissions, tips, overtime, bonuses, etc.
 - ☐ self-employment as *(name or nature of respondent's business)*
 - ☐ *(Other. Specify.)*
10. I believe that the respondent's current annual income from all income sources is \$ for the following reasons: *(Give your reasons for believing the dollar amount set out.)*

SPOUSAL SUPPORT*Fill out this section if you are claiming support for yourself.*

11. I need spousal support for the following reasons: *(Give details of your financial needs.)*

RESTRAINING ORDER*Fill out this section if you are claiming a restraining order against the respondent.*

12. I need an order to restrain the respondent from annoying, molesting or harassing me and my children or from approaching within (distance) metres of: *(Check off one or more boxes.)*
- ☐ me
 - ☐ my home at *(address)*
 - ☐ my place of work at *(address)*
 - ☐ the child(ren)
 - ☐ the child(ren)'s school(s): *(Give names of school(s))*
 - ☐ *(Other. Specify.)*
- for the following reasons: *(Give your reasons for needing a restraining order at all and for the distances involved.)*

Form 23C: Affidavit for Uncontested Trial (page 4)

Court file number

LACK OF SERVICE

Fill out this section if the respondent is not going to be served or has not been served.

NOTE: The Family Law Rules require all documents to be served on the opposing party. The court will make an order even without service, but only in very unusual circumstances such as:

1. An emergency situation where there is not enough time to serve documents or where serving them would put you or your child in danger or would have other serious consequences.
2. Where the court is satisfied that every effort has been made to find the other party and that it is impossible to serve him or her by any means.

13. My application/motion is not being served on the respondent for the following reasons:

OTHER ISSUES

Put a line through any blank space left on this page.

Sworn/Affirmed before me at
municipality

in
province, state or country

on date

Commissioner for taking affidavits
(Type or print name below if signature is illegible.)

Signature

(This form is to be signed in front of a lawyer, justice of the peace, notary public or commissioner for taking affidavits.)



(Name of court)

Court File Number

at _____
Court office address

**Form 25: Order
(General)**

- ☐ Temporary
☐ Final

Applicant(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Judge (print or type name)

Respondent(s)

Date of order

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

The court heard an application/motion made by (name of person or persons)

The following persons were in court (names of parties and lawyers in court)

The court received evidence and heard submissions on behalf of (name or names)

THIS COURT ORDERS THAT:

Continued on other side. ➡

Form 25: Order (General) (page 2)

Court file number

Put a line through any blank space left on this page. If additional space is needed, extra pages may be attached.

Date of signature

Signature of judge or clerk of the court



Court File Number

(Name of court)

**Form 25A: Divorce
Order**

at

Court office address

Applicant(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Judge (print or type name)

Respondent(s)

Date of order

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

The court considered an application of (name)

on (date)

The following persons were in court (Give names of parties and lawyers in court. This paragraph may be struck out if the divorce is uncontested.)

The court received evidence and considered submissions on behalf of (name or names)

THIS COURT ORDERS THAT:

1. (full legal names of spouses)

who were married at (place)

on (date)

be divorced and that the divorce take effect days after the date of this order.

(Add further paragraphs where the court orders other relief.)

Continued on other side. ➡

Form 25A: Divorce Order (page 2)

Court file number

Put a line through any blank space left on this page. If additional space is needed, extra pages may be attached.

Date of signature

Signature of judge or clerk of the court

NOTE: Neither spouse is free to remarry until this order takes effect, at which time you can get a **Certificate of Divorce** from the court office.



Court File Number

(Name of court)

**Form 25B: Secure
Treatment Order**at _____
Court office address**Applicant(s)**Full legal name & address for service — street & number,
municipality, postal code, telephone & fax numbers and e-mail
address (if any).Lawyer's name & address — street & number, municipality,
postal code, telephone & fax numbers and e-mail address (if
any)._____
Judge (print or type name)_____
Date of order**Respondent(s)**Full legal name & address for service — street & number,
municipality, postal code, telephone & fax numbers and e-mail
address (if any).Lawyer's name & address — street & number, municipality,
postal code, telephone & fax numbers and e-mail address (if
any).

The court heard an application of (name of person or persons)

The following persons were in court (names of parties and lawyers in court)

The court received evidence and heard submissions on behalf of (name or names)

THIS COURT ORDERS THAT:

- ☐ (child's full legal name)
be committed to the secure treatment programme at (name and address of program)
for a period of days, beginning on (date)
- ☐ the commitment of (child's full legal name)
to the secure treatment program at (name and address of program)
be extended for a period of days, beginning on (date)
- ☐ this application for an order ☐ of commitment
☐ extending the commitment
of (child's full legal name)
to the secure treatment programme at (name and address of program)
be dismissed.
- ☐ (Other. Specify.)

Continued on other side. ➡

Form 25B: Secure Treatment Order (page 2)

Court file number

Put a line through any blank space left on this page. If additional space is needed, extra pages may be attached.

Date of signature

Signature of judge or clerk of the court

NOTE TO ADMINISTRATOR OF SECURE TREATMENT PROGRAM: Subsection 118(3) of the *Child and Family Services Act* states:

In the calculation of a child's period of commitment, time spent in the secure treatment program before an order has been made under section 117 (commitment) or pending an application under section 120 (extension) shall be counted.

NOTE FURTHER that section 125 of the *Child and Family Services Act* authorizes a peace officer to take a child to a place where there is a secure treatment program if an order for the child's commitment to the secure treatment program has been made under section 117.



Court File Number

(Name of court)

**Form 25C: Adoption
Order**

at

Court office address

Applicant(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Judge (print or type name)

Respondent(s)

Date of order

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

The court heard an application of (name of person or persons)

The following persons were in court (names of parties and lawyers in court)

The court received evidence and heard submissions on behalf of (name or names)

THIS COURT ORDERS THAT:

1. The child is adopted as the child of (name of applicant or applicants)
2. The name of the child shall be (child's full legal name)

Date of signature

Signature of judge or clerk of the court



(Name of court)

at _____

Court office address

Court File Number

.....

Form 25D: Order

(Uncontested Trial)

☐ Temporary

☐ Final

Applicant(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Judge (print or type name)

Date of order

Respondent(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

The court heard an application/motion made by (name of person or persons)

The following persons were in court (names of parties and lawyers in court)

The court received evidence and submissions on behalf of (name or names)

This order affects the following children:

Child's full legal name	Date of birth (d,m,y)	Sex

PARENTAGE

- ☐ 1. THIS COURT finds that:
- ☐ each child mentioned above is a child of the marriage within the meaning of the *Divorce Act*.
- ☐ the applicant and respondent are parents of each child mentioned above within the meaning of the *Family Law Act* and the *Children's Law Reform Act*.
- ☐ (Other. Specify.)

Continued on other side. ➡

Form 25D: Order (Uncontested Trial) (page 2)

Court file number

CUSTODY

- ☐ 2. THIS COURT ORDERS that (name(s)) shall have
- ☐ temporary ☐ final
- ☐ sole ☐ joint.
- custody of each child mentioned above.

ACCESS

- ☐ 3. THIS COURT ORDERS that (name) shall have
- ☐ temporary ☐ final
- access to each child mentioned above. The terms of access are:
- ☐ reasonable access on reasonable notice;
- ☐ reasonable access on reasonable notice including but not limited to the terms below:
- ☐ as follows:
- ☐ every other weekend from p.m. on Friday until p.m. on Sunday or Monday, if Monday is a statutory holiday, starting on (date)
- ☐ alternate spring breaks, starting in (year)
- ☐ weeks during the summer vacation, to be decided by the parties before April 1 of each year.
- ☐ one half of the Christmas break, starting on (date) and ending on (date) to be shared as follows:
- ☐ Father's Day with the father; Mother's Day with the mother.
- ☐ (Other. Specify.)

CHILD SUPPORT

- ☐ 4. THIS COURT FINDS that (name of payor) has an income of \$ and IT ORDERS that (name of payor) pay to (name of recipient) the sum of \$ per month for the support of the child(ren) named above, starting on (date)

Fill in this frame only if there is a claim for add-ons for the child(ren).

THIS COURT FINDS that (name of recipient) has an income of \$ and

and IT ORDERS that (name of payor) pay to (name of recipient) the sum of \$ per month for the special or extraordinary expenses (add-ons) of the child(ren) named above, starting on (date)

The details of this amount are as follows:

Name of child	Nature of special or extraordinary expense	Amount

Continued on next sheet. ➡

Form 25D: Order (Uncontested Trial) (page 3)

Court file number

SPOUSAL SUPPORT

- ☐ 5. **THIS COURT ORDERS that** (*name of payor*) pay to (*name of recipient*)
 ☐ temporary ☐ final
 spousal support in the amount of \$ per
 starting on (*date*)
- ☐ 6. **THIS COURT ORDERS that** spousal support under this order be indexed and changed annually according to the indexing factor in subsection 34(6) of the *Family Law Act*.

SUPPORT MONEY OWED

- ☐ 7. **THIS COURT FINDS that** the amount of support owed is \$ as of (*date*)
AND THIS COURT ORDERS that (*name of payor*)
 pay off this amount ☐ by (*date*)
☐ at the rate of \$ per starting
 on (*date*)

SUPPORT — ENFORCEMENT

- ☐ 8. **THIS COURT ORDERS that**, unless the support order is withdrawn from the office of the Director of the Family Responsibility Office, it shall be enforced by the Director and amounts owing under the order shall be paid to the Director, who shall pay them to the person to whom they are owed.
- ☐ 9. **THIS COURT ORDERS that** the clerk issue a support deduction order under section 11 of the *Family Responsibility and Support Arrears Enforcement Act* for the periodic support.

PROPERTY

- ☐ 10. **THIS COURT ORDERS that**

Continued on other side. ➡

Form 25D: Order (Uncontested Trial) (page 4)

Court file number

DISCLOSURE

- ☐ 11. THIS COURT ORDERS that (name)
 serve and file the following before the next court date:
- ☐ a current financial statement.
 - ☐ (Other. Specify.)

OTHER MATTERS

- ☐ 12. THIS COURT ORDERS that

COSTS

- ☐ 13. THIS COURT ORDERS that costs be paid by (name)
 to (name) fixed at \$

ADJOURNMENT

- ☐ 14. THIS COURT ORDERS that the matter(s) of

 be adjourned to (date) at (time)
 for: (purpose)

INTEREST

- ☐ 15. THIS COURT ORDERS that interest be payable on amounts owing under this order at the rate of % per year.

Put a line through any blank space left on this page. If additional space is needed, extra pages may be attached.

 Date of signature

 Signature of judge or clerk of the court

Court File Number

(Name of court)

**Form 25E: Notice
Disputing Approval
of Order**

at _____
Court office address

Applicant(s)

<i>Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).</i>	<i>Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i>

Respondent(s)

<i>Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i>	<i>Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i>

TO: *(name of parties)*
I disagree with the proposed wording of the order in this case for the following reasons: *(Give your reasons.)*

I am asking for a reworded order. A copy of my version of the order is attached.
THE CLERK OF THE COURT WILL SETTLE THE WORDING OF THE ORDER on *(date)*
at a.m./p.m., or as soon as possible after that time at *(place for settling order)*

IF YOU DO NOT COME, THE CLERK OF THE COURT MAY SIGN THE ORDER WITH WORDING THAT MAY BE DIFFERENT FROM THE VERSION FIRST PROPOSED.

_____ Signature	_____ Date of signature
--------------------	----------------------------

Court File Number

(Name of court)

**Form 26: Statement of
Money Owed dated**

at

Court office address

Recipient(s)Full legal name & address for service — street & number, municipality,
postal code, telephone & fax and e-mail address (if any).Lawyer's name & address — street & number, municipality, postal code,
telephone & fax numbers and e-mail address (if any).**Payor**Full legal name & address for service — street & number, municipality,
postal code, telephone & fax numbers and e-mail address (if any).Lawyer's name & address — street & number, municipality, postal code,
telephone & fax numbers and e-mail address (if any).**My name is** (full legal name)**I live in** (municipality & province)**and I swear/affirm that the following is true:**

1. I am ☐ a person entitled to money under an order, a domestic contract or a paternity agreement that is enforceable in this court.
☐ a child's custodian or guardian entitled to money for the child's benefit under an order, domestic contract or paternity agreement that is enforceable in this court.
☐ an assignee of a person or of a child's custodian or guardian entitled to money under an order, domestic contract or paternity agreement that is enforceable in this court.
☐ an agent of the Director of the Family Responsibility Office.
☐ (Other. Specify.)
2. I attach a copy of the ☐ court order ☐ domestic contract
☐ paternity agreement ☐ bond/recognizance
and it has not been changed by a court order or agreement of the parties, except (Write "NIL" if there has been no change.)
3. The total of the periodic payments that remain unpaid today is \$ The detailed calculation of this total is attached to this statement. (See reverse side for instructions.)
4. The amount of interest on the unpaid periodic payments between the date of each default and today is \$ The detailed interest calculations are attached to this statement. (See reverse side for instructions.)

Put a line through any blank space left on this page.

Continued on other side. ➡

Form 26: Statement of Money Owed (page 2)

Court file number

INSTRUCTIONS FOR COMPLETING FORM 26 (Statement of Money Owed)

Paragraph 3:

Write "NIL",

- (a) if the periodic portion of your order, domestic contract or paternity agreement is fully paid up today; or
- (b) if your order, domestic contract or paternity agreement does not require the payor to make periodic payments.

If you are claiming unpaid amounts of periodic payments under a support order, a fine or forfeiture to be paid by instalments, a domestic contract or a paternity agreement, you **MUST** attach one or more separate sheets as an appendix to this *Statement*. There you must set out a history or a diary of the payor's payments and defaults. The diagram to the right shows one way to set out this history or diary. The final total in this diary of payments and defaults must be the same as the dollar amount in paragraph 3.

DATE	AMOUNT DUE (Add to TOTAL)	AMOUNT PAID (Subtract from TOTAL)	TOTAL amount owing
4 Sept. 1998	\$250.00		\$250.00
10 Sept. 1998		\$250.00	\$0.00
18 Sept. 1998	\$250.00		\$250.00
24 Sept. 1998		\$150.00	\$100.00
2 Oct. 1998	\$250.00		\$350.00
12 Oct. 1998		\$125.00	\$225.00
16 Oct. 1998	\$250.00		\$475.00
30 Oct. 1998	\$250.00		\$725.00
30 Oct. 1998	\$250.00		\$975.00

Paragraph 4:

Write "NIL", (a) if you don't want to claim any interest on unpaid periodic payments; or

- (b) if your order, domestic contract or paternity agreement actually forbids you to claim interest. (if your order, domestic contract or paternity agreement says nothing about interest, you can still claim it if you want.)

Even though the payor is fully paid up today on periodic payments and even though the dollar amount that you are claiming in paragraph 3 is "NIL", there may be interest owing from the times when the payor was behind in payments. You may therefore wish to make a claim for that unpaid interest here. If you are not barred from claiming interest and wish to do so, you **MUST** attach one or more work sheets as an appendix to this *Statement*. On those work sheets,

- (c) you must set out your method of computing interest. Unless the court order, domestic contract or paternity agreement specifically allows you to compound interest, you must use simple interest.
- (d) you must indicate the appropriate rate of interest. This rate can sometimes be set out in your order, domestic contract or paternity agreement, but if it is not, then you must rely on the rate allowed by section 127 of the *Courts of Justice Act*. You can also get this information from the court office.
- (e) for each overdue or partially overdue payment, calculate in dollars and cents the amount of interest allowed by subsection 129(2) of the *Courts of Justice Act*, from the date when it was due until today or until the date of full payment of that overdue amount, whichever date is earlier.

Paragraph 5:

Write "NIL",

- (a) if the lump sum (whether by way of order, forfeiture, fine or support in a domestic contract or paternity agreement) is fully paid up today; or
- (b) if there is no requirement on the payor to pay any lump sum.

If there have been partial payments on the lump sum, you **MUST** attach one or more separate sheets as an appendix to this *Statement*. There, you must set out a history or a diary of the payor's partial payments, similar to the diagram on the right. The final total in this history must be the same as the dollar amount that you are claiming in paragraph 5.

DATE	AMOUNT DUE (Add to TOTAL)	AMOUNT PAID (Subtract from TOTAL)	TOTAL amount owing
1 Dec. 1998	\$24,000.00		\$24,000.00
29 Dec. 1998		\$4,700.00	\$19,300.00
12 Feb. 1999		\$1,800.00	\$17,500.00
6 May 1999		\$1,226.40	\$16,273.60

Paragraph 6:

Write "NIL", (a) if you don't want to claim any interest on the lump-sum amount.

- (b) if your order, domestic contract or paternity agreement forbids you to claim interest.

Even though the lump sum has been paid up and even though the dollar amount that you are claiming in paragraph 5 is "NIL", the interest earned on it during a time when payment was overdue may still be owing and you may wish to claim it here. If you are not barred from claiming interest and wish to do so, you **MUST** attach one or more work sheets as an appendix to this *Statement*. On those work sheets,

- (c) you must set out your method of computing interest. You must use simple interest unless the court order, domestic contract or paternity agreement specifically allows you to compound interest.
- (d) you must indicate the appropriate rate of interest. This rate may sometimes be set out in your order, domestic contract or paternity agreement, but if it is not, then you must rely on the rate allowed by section 127 of the *Courts of Justice Act*. You can also get this information from the court office.
- (e) for each partial payment, calculate in dollars and cents the amount of interest from the date of the order, domestic contract or paternity agreement until the date of the partial payment. Interest on any balance still outstanding today will be calculated from the date of the order, contract or agreement until today.

Continued on next sheet. ➡

Form 26: Statement of Money Owed (page 4)

Court file number

INSTRUCTIONS FOR COMPLETING FORM 26 (Statement of Money Owed) (Continued)**Paragraph 7:**

Write "NIL", (a) if the court costs are fully paid up today; or
(b) if the court did not award costs to you.

If there have been partial payments on the court costs, you **MUST** attach one or more separate sheets as an appendix to this *Statement*. There, you must set out the history or diary of the payor's partial payments, as illustrated by the diagram alongside the note to paragraph 5. The final total in this diary must be the same as the dollar amount that you are claiming in paragraph 7.

Paragraph 8:

Write "NIL", (a) if you don't want to claim any interest on court costs; or
(b) if your order forbids you to claim any interest on costs.

Even though the court costs may be paid up today and the dollar amount that you are claiming in paragraph 8 is "NIL", the interest earned on those costs during the time when payment on them was overdue may still be owing and you may wish to claim that interest here. If you are claiming interest on court costs, you **MUST** attach one or more work sheets as an appendix to this *Statement*. On those work sheets,

- (c) you must set out your method of computing interest. You must use simple accrual unless the court has specifically allowed you to compound your interest.
- (d) you must indicate the appropriate rate of interest prevailing on the date when the order was made or the rate allowed by the court when it made the order. You can get this information from the court office.
- (e) for each partial payment, you must calculate in dollars and cents the amount of interest from the date of the order until the date of the partial payment. Interest on any balance still outstanding today will run from the date of the order until today.

Paragraph 9:

Write "NIL" if your lump-sum claim has nothing to do with support or maintenance. Otherwise, figure out what portion of your lump-sum claim deals with support or maintenance. You are entitled to include the interest earned on that amount.

This figure will be needed by the clerk of the court and by others, such as the sheriff, because they are required by law to give your claim for lump-sum support priority over the claims of other people with orders against the payor under the *Creditors' Relief Act*. Section 4 of that Act states:

4. Priority for support orders—(1) A support or maintenance order has priority over other judgment debts regardless of when an enforcement process is issued or served,

- (a) if the order is for periodic payments, in the amount of the arrears owing under the order at the time of seizure or attachment; and
- (b) if the order is for a lump sum payment, in the amount of the lump sum.

(2) *Support orders rank equally.*— Support or maintenance orders rank equally with one another.

(3) *Enforcement process.*— Process for the enforcement of a support or maintenance order shall be identified on its face as being for support or maintenance.

(4) *Crown bound.*— Subsection (1) binds the Crown in right of Ontario.

Paragraph 10:

Write "NIL" if your claim has nothing to do with periodic support or maintenance. Otherwise, figure out what portion of your claim deals with periodic support or maintenance. You are entitled to include the interest earned on that amount.

This figure together with the one in paragraph 9 will be needed by the clerk of the court and by others, such as the sheriff, to determine the priority that your support arrears should have over the claims of other people with orders against the payor. See subsection 4(1) of the *Creditors' Relief Act*.

Continued on next sheet. ➡

Form 26: Statement of Money Owed: APPENDIX (page)
(A, B, C, etc.) (page number)

Court file number

[illegible]

Form 26: Statement of Money Owed: APPENDIX (page)
(A, B, C, etc.) (page number)

Court file number

[illegible]

Form 26: Statement of Money Owed: APPENDIX (page) Court file number
(A, B, C, etc.) (page number)

CALCULATION OF INTEREST

1. The calculations below relate to interest earned on *(State nature of order, judgment or contract)*
2. The calculations below use:
 - ☐ simple interest;
 - ☐ compound interest, compounded *(State frequency of compounding)*
 - ☐ *(Other. Specify.)*
3. The rate of interest permitted by law is % per (frequency)
4. The calculation of the interest is detailed as follows:

Court File Number

(Name of court)

**Form 26A: Affidavit of
Enforcement Expenses**

at

Court office address

dated

Recipient(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Payor

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

My name is (full legal name)**I live in** (municipality & province)**and I swear/affirm that the following is true:**

1. I am ☐ a person entitled to money under an order, a domestic contract or a paternity agreement that is enforceable in this court.
- Attach copy of order, contract or agreement.* ☐ child's custodian or guardian entitled to money for the child's benefit under an order, domestic contract or paternity agreement that is enforceable in this court.
- ☐ an assignee of a person or of a child's custodian or guardian entitled to money under an order, domestic contract or paternity agreement that is enforceable in this court.
- ☐ an agent of the Director of the Family Responsibility Office.
- ☐ (Other. Specify.)
2. To enforce the order, domestic contract or paternity agreement, I took the following steps for which I am claiming costs under the rules of the court:
- ☐ A financial examination of the payor was carried out.
- ☐ A writ of seizure and sale was issued, filed and enforced.
- ☐ A notice of garnishment was issued, served, filed and enforced.
- ☐ A writ of seizure and sale was changed by way of a statutory declaration.
- ☐ A notice of garnishment was changed by way of a statutory declaration.
- ☐ (Other. Specify.)

Put a line through any blank space left on this page.

Continued on other side. ➡

Form 26A: Affidavit of Enforcement Expenses (page 2)

Court file number

3. The details of my claim are as follows: *(For each item of expense, give the date when it was paid and the amount. Where receipts are available, please attach them and identify them in numbered sequence.)*

ITEM OF EXPENSE	DATE	AMOUNT	Receipt No.
			1
			2
			3
			4
			5
			6
			7
			8
			9
			10
			11
			12
			13
			14
			15
			16
			17
			18
			19
			20
			21
			22
			23

If you need more space, you may attach extra sheets and number them.

Sworn/Affirmed before me at
municipality

in
province, state or country

on date

Commissioner for taking affidavits
(Type or print name below if signature is illegible.)

Signature

(This form is to be signed in front of a lawyer, justice of the peace, notary public or commissioner for taking affidavits.)

Court File Number

(Name of court)

Form 26B: Affidavit

at

Court office address

dated

**for Filing Domestic
Contract or Paternity
Agreement with Court****Recipient(s)**Full legal name & address for service — street & number, municipality,
postal code, telephone & fax and e-mail address (if any).Lawyer's name & address — street & number, municipality, postal code,
telephone & fax numbers and e-mail address (if any).**Payor**Full legal name & address for service — street & number, municipality,
postal code, telephone & fax numbers and e-mail address (if any).Lawyer's name & address — street & number, municipality, postal code,
telephone & fax numbers and e-mail address (if any).**My name is** (full legal name)**I live in** (municipality & province)**and I swear/affirm that the following is true:**

1. I attach a copy of a ☐ marriage contract ☐ cohabitation agreement
☐ separation agreement ☐ paternity agreement
 for filing with the court so that its support provisions can be enforced or changed as if they were a court order.
2. The contract/agreement has not been set aside or disregarded by a court nor has it been changed by agreement of the parties.

Sworn/Affirmed before me at
municipalityin
province, state or countryon
dateCommissioner for taking affidavits
(Type or print name below if signature is illegible.)**Signature**(This form is to be signed in front of a
lawyer, justice of the peace, notary public
or commissioner for taking affidavits.)

Court File Number

(Name of court)

**Form 26C: Notice of
Transfer of Enforcement**

at

Court office address

Recipient(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Payor

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

TO THE PARTIES IN THIS ENFORCEMENT,**TO THE CLERK OF THE COURT at** (list court locations out of which enforcement was carried out)**AND TO THE SHERIFF FOR** (list areas where sheriff has been involved with enforcement)

- ☐
- I am the recipient named above. The attached

☐ order ☐ domestic contract ☐ paternity agreement

has been withdrawn from the enforcement program run by the Director of the Family Responsibility Office. At my request, the Director assigned to me the enforcement measure(s) listed on the back of this sheet that were started by the Director.

- ☐
- My name is (full legal name)

I am an authorized agent of the Director of the Family Responsibility Office. The recipient(s) (name of recipient(s))

filed the attached ☐ order ☐ domestic contract ☐ paternity agreement

in the Director's office to be enforced. At my request, the recipient(s) assigned to the Director the enforcement measure(s) listed on the back of this sheet that were started by the recipient(s).

Signature

Date of signature

Continued on other side. ➡

Form 26C: Notice of Transfer of Enforcement (page 2)

Court file number .

[illegible]

If you need more space, you may attach extra sheets and number them.

Court File Number

(Name of court)

**Form 27: Request for
Financial Statement**

at

Court office address

Recipient(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Payor

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

TO (name of party)

I claim that you have missed payments under an order, domestic contract or paternity agreement, a copy of which is attached to this notice.

YOU MUST PREPARE A FINANCIAL STATEMENT (Form 13) within 15 days of being served with this notice. A blank form of financial statement should accompany or be attached to this notice. If it is missing, you should contact your own lawyer or the court office immediately.

YOU MUST MAIL your completed financial statement within the next 15 days to: (person & address)

IF YOU DO NOT MAIL THE COMPLETED FINANCIAL STATEMENT AS REQUIRED BY THIS NOTICE, THE COURT MAY ORDER YOU TO DO SO AND YOU MAY THEN BE REQUIRED TO PAY THE COSTS. IF YOU DISOBEY THE ORDER, THE COURT MAY MAKE AN ORDER FOR YOUR IMPRISONMENT.

Signature

Date of signature

Court File Number

(Name of court)

**Form 27A: Request for
Statement of Income**

at

Court office address

Recipient(s)Full legal name & address for service — street & number, municipality,
postal code, telephone & fax and e-mail address (if any).Lawyer's name & address — street & number, municipality, postal code,
telephone & fax numbers and e-mail address (if any).**Payor**Full legal name & address for service — street & number, municipality,
postal code, telephone & fax numbers and e-mail address (if any).Lawyer's name & address — street & number, municipality, postal code,
telephone & fax numbers and e-mail address (if any).**TO** (name and address of income source)

I claim that the payor has missed payments under an order, domestic contract or paternity agreement.

YOU MUST PREPARE A STATEMENT OF INCOME in Form 27B concerning the payor named above. A blank form of statement of income should accompany or be attached to this notice. If it is missing, you should contact your own lawyer or the court office immediately.

YOU MUST MAIL the completed statement of income within 10 days of being served with this notice to: (person & address)

IF YOU DO NOT MAIL THE COMPLETED STATEMENT OF INCOME AS REQUIRED BY THIS NOTICE, THE COURT MAY ORDER YOU TO DO SO AND YOU MAY THEN BE REQUIRED TO PAY THE COURT COSTS.

Signature

Date of signature

Court File Number

(Name of court)

**Form 27B: Statement of
Income from Income
Source**

at

Court office address

Recipient(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Payor

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

1. My name is (full legal name)

2. ☐ I am ☐ an income source of the payor.
☐ an employee of an income source of the payor.
☐ (Other, specify)

OR

- ☐ Neither I nor the organization for which I work is an income source of the payor for the following reasons:
- ☐ there is no money owed to the payor on any basis mentioned in paragraph 3 below.
 - ☐ the payor has never worked for me or my organization.
 - ☐ the payor has worked for me or my organization but stopped working on : (date)
- ☐ (Other, specify.)

(Strike out paragraph 3 if you are not an income source.)

3. I owe money to the payor on the following basis: (check one or more boxes below)

- ☐ wages or salary of \$..... per
- ☐ overtime that, over the past 6 months, has amounted to \$.....
- ☐ commission, bonus, piece-work allowance or other performance-related payment that, over the past 6 months, has amounted to \$.....
- ☐ benefits under an accident, disability or sickness plan that, over the past 6 months, has amounted to \$.....
- ☐ a disability, retirement or other pension of \$..... per
- ☐ an annuity paying \$..... per
- ☐ vacation pay/severance pay of \$.....
- ☐ (Other, specify.)

Signature

Date of signature

Court File Number

.....

.....

(Name of court)

Form 27C: Appointment
for Financial Examination

at

Court office address

Recipient(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Payor

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

TO (full legal name of person to be examined)

I claim that you have missed payments under an order, domestic contract or paternity agreement, a copy of which is attached. The purpose of this examination is to find out,

- (a) your ability to pay the amount of the money owing; and
- (b) your ability to continue obeying the order, domestic contract or paternity agreement.

YOU MUST PREPARE a financial statement in Form 13 and serve it on the recipient or on the recipient's lawyer at least 7 days before the date of the examination. A blank form of financial statement should accompany or be attached to this notice. If it is missing, you should talk to your own lawyer or the court office immediately.

YOU MUST THEN COME TO A FINANCIAL EXAMINATION to be held on (date)
at a.m./p.m. at (place of examination):

You can bring your own lawyer.

YOU MUST BRING WITH YOU TO THE FINANCIAL EXAMINATION the documents or things in your possession or control that are listed on the back of this sheet.

IF YOU DO NOT COME TO THE FINANCIAL EXAMINATION, THE COURT MAY MAKE AN ORDER WITHOUT YOU AND ENFORCE IT AGAINST YOU.

.....

Signature

.....

Date of signature

Continued on other slide. ➡

Form 27C: Appointment for Financial Examination (page 2)

Court file number

(Set out the nature and the date of every document and give enough details to identify every document and thing that the payor is to bring to the examination. Write "NIL" if no document or thing is to be brought to the examination.)

- ☐ A copy of the income tax return that you filed with the Department of National Revenue (together with all material filed with the return) for the years and a copy of any notice of assessment or reassessment that you received from the Department for those years.
- ☐ Proof of your income (including pay stubs) for the past month(s).
- ☐ A print-out from every bank, trust company, loan corporation, credit union, *caisse populaire* or Province of Ontario Savings Office in which you have maintained an account for the past month(s) showing all the transactions carried out in that account during that period of time.

Put a line through any blank space left on this page.



(Name of court)

at _____
Court office address

Court File Number

**Form 28: Writ of
Seizure and Sale**
Recipient(s)

Full legal name & address for service — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Payor

Full legal name & address for service — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

TO THE SHERIFF FOR THE (name of area)

An order, domestic contract or paternity agreement that is enforceable in this court and that requires the payor to make payments to the recipient is in default.

YOU ARE THEREFORE DIRECTED TO SEIZE AND TO SELL the personal and real property within your area of (payor's full legal name) and to realize from that sale the following sums:

Insert amount to be realized from paragraph 4(b) of the request for a writ of seizure and sale. Insert date that statement of money owed was sworn/affirmed.

(a) \$. and interest on it at the rate of % per year, beginning on (date) ; and

(b) your fees and expenses in enforcing this writ.

Check appropriate box

Priority for support payments: insert amount from paragraph 3 of request for a writ of seizure and sale.

Assignment of costs to the Law Society of Upper Canada: insert amount from paragraph 4(c) of request for writ of seizure and sale.

Fine, bond or recognizance.

- ☐ The sum to be realized includes unpaid support of \$.
- YOU ARE THEREFORE REQUIRED**, under subsection 4(1) of the *Creditors' Relief Act*, to give priority to this amount over all other judgments and orders.
- ☐ An *Assignment of Judgment of Costs* in the amount of \$. has been made in favour of the Law Society of Upper Canada.
- YOU ARE THEREFORE REQUIRED**, under subsection 17(2) of the *Legal Aid Act*, to deduct this sum from the proceeds of the sale and to pay it to the Law Society of Upper Canada.
- ☐ This Writ enforces the sum of \$. as
- ☐ a fine for contempt of this court,
- ☐ a forfeited bond or a forfeited recognizance
- and made payable to, ☐ Her Majesty the Queen
- ☐ (Other, specify.)

YOU ARE THEREFORE REQUIRED, under subsection 143(3) of the *Courts of Justice Act*, to proceed immediately to execute this Writ without a direction to enforce.

YOU ARE FURTHER DIRECTED TO PAY OUT THESE PROCEEDS ACCORDING TO LAW AND TO REPORT ON THE EXECUTION OF THIS WRIT IF REQUIRED BY THE PARTY OR BY THE PARTY'S LAWYER WHO FILED THIS WRIT.

Signature of the clerk of the court

Date of signature

Name of recipient(s):

[illegible]

Court File Number

(Name of court)

**Form 28A: Request for
Writ of Seizure and Sale**

at

Court office address

Recipient(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Payor

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

TO THE CLERK OF THE COURT:

1. I am ☐ the person who signed the attached statement of money owed.
☐ the lawyer for the person who signed the attached statement of money owed.
☐ (Other, specify.)
2. The attached statement of money owed contains a claim for \$ (Insert the sum from paragraph 13 of the statement of money owed.)
3. This claim includes unpaid support of \$, an amount that has priority over all other judgment debts of the payor's creditors.
4. I request that a writ of seizure and sale be issued, directed to the sheriff of each of the following areas: (list the areas)
 - (a) to seize and sell the payor's real and personal property within that area;
 - (b) to realize from that seizure and sale ☐ the sum set out in paragraph 2 above;
☐ the sum of \$ (Here set out a sum less than that in paragraph 2 above if you do not want to have all of it enforced by seizure and sale.); and
 - (c) to pay out the proceeds according to law, including payment of \$ (write "NIL" if no assignment was made) to the Law Society of Upper Canada in accordance with the attached Assignment of Judgment of Costs in favour of the Law Society.

Signature

Date of signature

NOTE: You must file this request and a freshly prepared statement of money owed in Form 26 with the clerk of the court. If you completed paragraph 4(c) of this request with a dollar amount, a copy of the assignment of costs must be attached to this request and to each writ of seizure and sale that you file with a sheriff and a land registrar.

Court File Number

(Name of court)

**Form 28B: Statutory
Declaration to Sheriff**
dated

 at _____
 Court office address
Recipient(s)
 Full legal name & address for service — street & number, municipality,
 postal code, telephone & fax and e-mail address (if any).

 Lawyer's name & address — street & number, municipality, postal code,
 telephone & fax numbers and e-mail address (if any).
Payor
 Full legal name & address for service — street & number, municipality,
 postal code, telephone & fax numbers and e-mail address (if any).

 Lawyer's name & address — street & number, municipality, postal code,
 telephone & fax numbers and e-mail address (if any).

My name is (full legal name)

I live in (municipality & province)

and I declare that the following is true:

1. I am ☐ a recipient under a payment order.
☐ an assignee of a recipient under a payment order.
☐ an agent of the Director of the Family Responsibility Office.
☐ (Other. Specify.)
2. On (date) _____, a writ of seizure and sale was issued in this case, a copy of which is attached.
3. Since then, the amount owed by the payor has changed and, as of today, the amount owed stands at \$ _____ with interest on it at the rate of _____ % per year beginning on (date when interest begins)
4. The amount in paragraph 3 includes unpaid support of \$. _____ which, under subsection 4(1) of the *Creditors' Relief Act*, gets priority over other judgments and orders.
5. An additional *Assignment of Judgment of Costs* in the amount of (write NIL if none) \$. _____ has been made in favour of the Law Society of Upper Canada which, under subsection 17(2) of the *Legal Aid Act*, must be deducted from the proceeds of the sale and paid to the Law Society of Upper Canada.
6. The amount in paragraph 3 includes \$. _____ as a fine for contempt of this court, a forfeited bond or a forfeited recognizance arising out of a civil proceeding and made payable to,
☐ Her Majesty the Queen ☐ (Other. Specify.)
 and, under subsection 143(3) of the *Courts of Justice Act*, the writ of seizure and sale can be executed immediately to collect that amount without a direction to enforce.

 Declared before me at _____
 municipality

 in _____
 province, state or country

 on _____
 date

 Commissioner for taking affidavits
 (Type or print name below if signature is illegible.)

Signature

 (This form is to be signed in front of a
 lawyer, justice of the peace, notary public
 or commissioner for taking affidavits.)



(Name of court)

at

Court office address

Court File Number

.....

**Form 28C: Writ of
Temporary Seizure**

Applicant(s)/Recipient(s) *(Strike out inapplicable term.)*

<i>Full legal name & address for service — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i>	<i>Lawyer's name & address — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i>
<div></div>	<div></div>

Respondent/Payor *(Strike out inapplicable term.)*

<i>Full legal name & address for service — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i>	<i>Lawyer's name & address — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i>
<div></div>	<div></div>

TO THE SHERIFF FOR THE *(name of area)*

On a motion made by *(name of moving party)*

the court gave its permission on *(date)* to issue this writ.

YOU ARE THEREFORE DIRECTED TO SEIZE AND TO HOLD the following property within your area of *(full legal name of respondent/payor)*

Give description of property to be taken and held.

YOU ARE ALSO DIRECTED TO COLLECT AND TO HOLD any income from the property.

Signature of the clerk of the court

Date of signature

Court File Number

(Name of court)

**Form 29: Request for
Garnishment**

at

Court office address

Recipient(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Payor

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

TO THE CLERK OF THE COURT:

- I am ☐ the person who signed the attached statement of money owed.
☐ the lawyer for the person who signed the attached statement of money owed.
☐ an agent for the Director of the Family Responsibility Office.
☐ (Other, specify.)
- I want to enforce by way of garnishment the sum of \$, which is the money claimed in the attached statement of money owed. (If you want to collect ongoing periodic payments as well as arrears, check the box below.)
☐ I also want the garnishment to collect ongoing payments of \$ per (period)
- I request that a separate notice of garnishment be issued and sent to each person named in the Appendix to this form, who, I have reason to believe, owes or will owe money to the payor in the amounts described in that Appendix.

Signature of person making request or of person's lawyer

Date of signature

NOTE: You must attach one or more sheets as an Appendix in which you name the person or persons who owe or will owe money to the payor. You must also prepare and attach a fresh statement of money owed in Form 26 (one prepared within the past 30 days) to this request and file it with the clerk of the court.

If (a) the payor's obligation to pay the order, domestic contract or paternity agreement that you are enforcing by this garnishment should expire or be discharged, and
 (b) there is no more money owed by the payor under that order, domestic contract or paternity agreement,
 or if you simply decide that you no longer want to enforce the order, domestic contract or paternity agreement by means of this garnishment, you must immediately fill out and serve a notice to stop garnishment in Form 29H on the payor and on each garnishee and file it, together with proof of service, with the clerk of the court at the above court office.

Continued on other side. ➡

Form 29: Request for Garnishment — APPENDIX (page)

Court file number

Name of Garnishee: _____

Garnishee's address: _____

Amount that the garnishee owes or will owe to the payor:

☐ periodic amounts ☐ of \$ _____

☐ whose dollar figure I do not know

that are or will be paid on (State frequency of payments. Write "UNKNOWN" if you do not know.) _____

☐ lump-sum amount ☐ of \$ _____

☐ whose dollar figure I do not know.

Description of debt owed by the garnishee to the payor:

☐ wages, commissions or other employment income. ☐ rental payments

☐ money held at a bank, credit union, etc. ☐ pension payments

☐ (Other. Specify.) _____

Name of Garnishee: _____

Garnishee's address: _____

Amount that the garnishee owes or will owe to the payor:

☐ periodic amounts ☐ of \$
☐ whose dollar figure I do not know

that are or will be paid on (State frequency of payments. Write "UNKNOWN" if you do not know.)

☐ lump-sum amount ☐ of \$
☐ whose dollar figure I do not know.

Description of debt owed by the garnishee to the payor:

☐ wages, commissions or other employment income. ☐ rental payments
☐ money held at a bank, credit union, etc. ☐ pension payments
☐ (Other. Specify.)

Name of Garnishee:

Garnishee's address:

Amount that the garnishee owes or will owe to the payor:

☐ periodic amounts ☐ of \$
☐ whose dollar figure I do not know

that are or will be paid on (State frequency of payments. Write "UNKNOWN" if you do not know.)

☐ lump-sum amount ☐ of \$
☐ whose dollar figure I do not know.

Description of debt owed by the garnishee to the payor:

☐ wages, commissions or other employment income. ☐ rental payments
☐ money held at a bank, credit union, etc. ☐ pension payments
☐ (Other. Specify.)

Form 29: Request for Garnishment — APPENDIX (page)

Court file number

Name of Garnishee: _____

Garnishee's address: _____

Amount that the garnishee owes or will owe to the payor:

☐ periodic amounts ☐ of \$

☐ whose dollar figure I do not know

that are or will be paid on (State frequency of payments. Write "UNKNOWN" if you do not know.)

☐ lump-sum amount ☐ of \$

☐ whose dollar figure I do not know.

Description of debt owed by the garnishee to the payor:

☐ wages, commissions or other employment income. ☐ rental payments

☐ money held at a bank, credit union, etc. ☐ pension payments

☐ (Other. Specify.) _____

Name of Garnishee:

Garnishee's address:

Amount that the garnishee owes or will owe to the payor:

☐ periodic amounts ☐ of \$
☐ whose dollar figure I do not know

that are or will be paid on (State frequency of payments. Write "UNKNOWN" if you do not know.)

☐ lump-sum amount ☐ of \$
☐ whose dollar figure I do not know.

Description of debt owed by the garnishee to the payor:

☐ wages, commissions or other employment income. ☐ rental payments
☐ money held at a bank, credit union, etc. ☐ pension payments
☐ (Other. Specify.)

Name of Garnishee: _____

Garnishee's address: _____

Amount that the garnishee owes or will owe to the payor:

☐ periodic amounts ☐ of \$
☐ whose dollar figure I do not know

that are or will be paid on (State frequency of payments. Write "UNKNOWN" if you do not know.)

☐ lump-sum amount ☐ of \$
☐ whose dollar figure I do not know.

Description of debt owed by the garnishee to the payor:

☐ wages, commissions or other employment income. ☐ rental payments
☐ money held at a bank, credit union, etc. ☐ pension payments
☐ (Other. Specify.)

Form 29: Request for Garnishment — APPENDIX (page)

Court file number

Name of Garnishee: _____

Garnishee's address: _____

Amount that the garnishee owes or will owe to the payor:

☐ periodic amounts ☐ of \$ _____

☐ whose dollar figure I do not know

that are or will be paid on (State frequency of payments. Write "UNKNOWN" if you do not know.) _____

☐ lump-sum amount ☐ of \$ _____

☐ whose dollar figure I do not know.

Description of debt owed by the garnishee to the payor:

☐ wages, commissions or other employment income. ☐ rental payments

☐ money held at a bank, credit union, etc. ☐ pension payments

☐ (Other. Specify.) _____

Name of Garnishee:

Garnishee's address:

Amount that the garnishee owes or will owe to the payor:

☐ periodic amounts ☐ of \$
☐ whose dollar figure I do not know

that are or will be paid on (State frequency of payments. Write "UNKNOWN" if you do not know.)

☐ lump-sum amount ☐ of \$
☐ whose dollar figure I do not know.

Description of debt owed by the garnishee to the payor:

☐ wages, commissions or other employment income. ☐ rental payments
☐ money held at a bank, credit union, etc. ☐ pension payments
☐ (Other. Specify.)

Name of Garnishee: _____

Garnishee's address: _____

Amount that the garnishee owes or will owe to the payor:

☐ periodic amounts ☐ of \$ _____

☐ whose dollar figure I do not know

that are or will be paid on (State frequency of payments. Write "UNKNOWN" if you do not know.) _____

☐ lump-sum amount ☐ of \$. _____

☐ whose dollar figure I do not know.

Description of debt owed by the garnishee to the payor:

☐ wages, commissions or other employment income. ☐ rental payments

☐ money held at a bank, credit union, etc. ☐ pension payments

☐ (Other. Specify.) _____



(Name of court)

Court File Number

at _____
Court office address

**Form 29A: Notice of
Garnishment
(Lump-Sum Debt)**

Recipient	Payor
Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).	Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).
Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

TO: (garnishee's full legal name and address)

ALL DEDUCTIONS MADE UNDER THIS NOTICE MUST TO BE PAID TO

☐ the clerk of the court ☐ the Director of the Family Responsibility Office
at (address)

The payor (name) has missed payments under a court order, a domestic contract or a paternity agreement that is enforceable in this court or that is enforceable by a garnishment process from outside Ontario and recognized by this court.

The recipient claims that you owe or will owe the payor a debt in the form of one or more lump-sum amounts.. (A debt to the payor includes both a debt payable to the payor alone and a joint debt payable to the payor and one or more other persons.)

YOU MUST THEREFORE PAY TO the clerk of the court or the Director of the Family Responsibility Office (as indicated above)

- (a) within 10 days after service of this Notice upon you, ALL MONEY THAT IS NOW PAYABLE BY YOU TO THE PAYOR; and
- (b) within 10 days after any future amount becomes payable, ALL MONEY THAT BECOMES PAYABLE BY YOU TO THE PAYOR.

The total amount of your payments is not to exceed \$ (Insert the dollar amount by adding the sums in paragraphs 5, 6, 7 and 8 of the statement of money owed or such lesser amount as the recipient chooses to have enforced by way of garnishment.)

If your debt is jointly owed to the payor and to one or more other persons, you must pay half of the amount now payable or that becomes payable or such fraction as the court may order.

This notice is legally binding on you until it is changed or terminated.

(Check box below if appropriate.)

- ☐ This notice of garnishment enforces the support provisions of a court order, domestic contract or paternity agreement. Under subsection 4(1) of the *Creditors' Relief Act*, **YOU MUST GIVE THIS NOTICE OF GARNISHMENT PRIORITY OVER ALL OTHER NOTICES OF GARNISHMENT**, no matter when these other competing notices of garnishment were served on you. For details of the extent of this priority, you should talk to your own lawyer.

Your payment in accordance with this notice is, to the extent of the payment, a valid discharge of your debt to the payor and, in the case of a joint debt to the payor and one or more other persons, a valid discharge of your debt to the payor and the other person(s).

Continued on other side. ➡

Form 29A: Notice of Garnishment (Lump-Sum Debt) (page 2)

Court file number

If your debt is jointly owed to the payor and to one or more other persons, **YOU MUST IMMEDIATELY MAIL** a notice to **co-owner of the debt (Form 29C) to the following persons:**

- (a) each other person to whom the joint debt is owed, at the address shown in your own records;
- (b) the recipient or the Director of the Family Responsibility Office, depending on who is enforcing the order; and
- (c) the clerk of the court.

A blank Form 29C should be attached to this notice. If it is missing, you should talk to your own lawyer or the court office.

If you have reason to believe that you should not to be making the payments required of you by this notice, you have the right to serve a dispute in Form 29F on the parties and file it at the court office within 10 days after service of this notice upon you. You may consult with your lawyer about this. A blank Form 29F (*Dispute from Garnishee*) should be attached to this notice. If it is missing, you should talk to your own lawyer or the court office. You can serve by any method set out in rule 6 of the *Family Law Rules*, including mail, courier and fax. If you serve Form 29F and file it at the court office, the court may hold a garnishment hearing to determine the rights of the parties. In the meantime, serving and filing a dispute does not stop the operation of this notice of garnishment.

If you are the payor's employer,

- (a) Section 56.1 of Ontario's *Employment Standards Act* make it unlawful to dismiss or suspend an employee or to threaten to do so on the ground that a garnishment process has been issued in respect of the employee;
- (b) section 7 of Ontario's *Wages Act* says that you cannot deduct more than:
 - (i) 50% of any wages (after statutory deductions) payable to your employee for the enforcement of support; and
 - (ii) 20% of any wages (after statutory deductions) payable to your employee for the enforcement of money not connected to support.

These percentages can be increased or decreased only by an order of the court. If a copy of such an order is attached to this notice or if it is ever served on you, you must use the percentage given in that court order; and

- (c) the *Family Law Rules* state that you **MUST** give to the clerk of the court and to the person who asked for this garnishment, within 10 days after the end of the payor's employment with you, a written notice,
 - (i) indicating that the payor has ceased to be employed by you, and
 - (ii) setting out the date on which the employment ended and the date of the payor's last remuneration from you.

IF YOU DO NOT OBEY THIS NOTICE, THE COURT MAY ORDER YOU TO PAY THE FULL AMOUNT OWED AND THE COSTS INCURRED BY THE RECIPIENT.

IF YOU PAY ANYONE OTHER THAN AS DIRECTED ON THE FRONT OF THIS SHEET, THE COURT MAY ORDER YOU TO MAKE ANOTHER PAYMENT, BUT THIS TIME, TO THE PERSON NAMED IN THIS NOTICE.

Signature of the clerk of the court_____
Date of signature

NOTICE TO THE PAYOR: You have the right to serve and file a dispute in Form 29E at the court office within 10 days after service of this notice on you. You may want to talk to a lawyer about this. A blank Form 29E (*Dispute from Payor*) should have accompanied this notice when it was served on you. If it is missing, you should talk to your own lawyer or the court office immediately. You can serve by any method set out in rule 6 of the *Family Law Rules*, including mail, courier and fax. If you serve Form 29E and file it at the court office, the court may hold a garnishment hearing to decide the rights of the parties.

If the garnishee is your employer, the *Family Law Rules* say that you **MUST**, within 10 days after the end of your employment with the garnishee, give the clerk of the court and (depending on who is enforcing the garnishment) the recipient or the Director of the Family Responsibility Office, a written notice,

- (a) indicating that your employment with the garnishee is ended; and
- (b) setting out the date on which your employment ended and the date of your last pay from the garnishee.

Within 10 days after you start any new job or go back to your old one, you **MUST** give a further written notice giving the name and address of your new employer or saying that you have gone back to work with of your former employment.



(Name of court)

Court File Number

at _____
Court office address

**Form 29B: Notice of
Garnishment
(Periodic Debt)**

Recipient	Payor
Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).	Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).
Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

TO: (garnishee's full legal name and address)

ALL DEDUCTIONS MADE UNDER THIS NOTICE MUST TO BE PAID TO

☐ the clerk of the court ☐ the Director of the Family Responsibility Office
at (address)

The payor (name) has missed payments under a court order, domestic contract or paternity agreement that is enforceable in this court or that is enforceable by a garnishment process from outside Ontario and recognized by this court. The recipient claims that you owe or will owe the payor a debt in the form of wages, salary, pension payments, rent, annuity or other debt that you pay out periodically or by instalments. (A debt to the payor includes both a debt payable to the payor alone and a debt payable jointly to the payor and one or more other persons.)

Check the first circle if you want the garnishment to deduct fixed dollar amounts. If you want the garnishment to deduct by way of percentage, check the second circle below.

Insert the dollar amount and frequency as stated in the periodic portion of the order, domestic contract or paternity agreement.

Accumulated debts includes lump-sum orders, fines, forfeitures, accumulated arrears of periodic payments, court costs and interest.

Check this circle only if you want the garnishment to deduct by way of percentage.

Unless a court order says otherwise, you can deduct no more than 50% of the payor's wages to collect support and no more than 20% to collect money unrelated to support. There is no percentage ceiling on the deductions from non-wages.

☐ **YOU MUST IMMEDIATELY THEREFORE DEDUCT FROM ALL SUCH PAYMENTS MADE BY YOU,**

- ☐ to satisfy the payor's ongoing duty to make periodic payments under the order, domestic contract or paternity agreement THE SUM OF \$ on every (state frequency) or the equivalent sum according to your regular or established cycle of payment to the payor; and
- ☐ to reduce the payor's accumulated debts of \$ to the recipient under the order, domestic contract or paternity agreement, THE SUM OF \$ on every (state frequency) or the equivalent sum according to your regular or established cycle of payment to the payor, OR

☐ **YOU MUST IMMEDIATELY THEREFORE DEDUCT FROM ALL SUCH PAYMENTS MADE BY YOU,**

- ☐ % of all wages that are now payable by you to the payor, and
- ☐ % of any debt (other than wages) now payable by you to the payor periodically or by instalments

AND YOU MUST PAY THIS DEDUCTION to clerk or the Director (as indicated above) within 10 days after service of this notice upon you. If your debt is jointly owed to the payor and to one or more other persons, you must pay half of the amount now payable or that becomes payable or such fraction as the court may order.

THIS NOTICE LEGALLY BINDS YOU TO CONTINUE PAYING THESE DEDUCTIONS within 10 days after each payment becomes payable by you to the payor, until this notice is changed or terminated.

Continued on other side. ➡

Form 29B: Notice of Garnishment (Periodic Debt) (page 2)

Court file number

(Check box below if appropriate.)

- ☐ This notice of garnishment enforces the support provisions of a court order, domestic contract or paternity agreement. Under subsection 4(1) of the *Creditors' Relief Act*, **YOU MUST GIVE THIS NOTICE OF GARNISHMENT PRIORITY OVER ALL OTHER NOTICES OF GARNISHMENT**, no matter when these other competing notices of garnishment were served on you. For details of the extent of this priority, you should talk to your own lawyer.

Your payment in accordance with this *Notice* is, to the extent of the payment, a valid discharge of your debt to the payor and, in the case of a joint debt to the payor and one or more other persons, a valid discharge of your debt to the payor and the other person(s).

If your debt is jointly owed to the payor and to one or more other persons, **YOU MUST IMMEDIATELY MAIL a notice to co-owner of the debt (Form 29C) to the following persons:**

- (a) each other person to whom the joint debt is owed, at the address shown in your own records;
- (b) the recipient or the Director of the Family Responsibility Office, depending on who is enforcing the order; and
- (c) the clerk of the court.

A blank Form 29C should be attached to this notice. If it is missing, you should talk to your own lawyer or the court office.

If you have reason to believe that you should not to be making the payments required of you by this notice, you have the right to serve and file a dispute in Form 29F at the court office within 10 days after service of this notice upon you. You may consult with your lawyer about this. A blank Form 29F (*Dispute from Garnishee*) should be attached to this notice. If it is missing, you should talk to your own lawyer or the court office. You can serve by any method set out in rule 6 of the *Family Law Rules*, including mail, courier and fax. If you serve Form 29F and file it at the court office, the court may hold a garnishment hearing to determine the rights of the parties. In the meantime, serving and filing a dispute does not stop the operation of this notice of garnishment.

If you are the payor's employer,

- (a) Section 56.1 of Ontario's *Employment Standards Act* make it unlawful to dismiss or suspend an employee or to threaten to do so on the ground that a garnishment process has been issued in respect of the employee;
- (b) section 7 of Ontario's *Wages Act* says that you cannot deduct more than:
 - (i) 50% of any wages (after statutory deductions) payable to your employee for the enforcement of support; and
 - (ii) 20% of any wages (after statutory deductions) payable to your employee for the enforcement of money not connected to support.

These percentages can be increased or decreased only by an order of the court. If a copy of such an order is attached to this *Notice* or if it is ever served on you, you must use the percentage given in that court order; and

- (c) the *Family Law Rules* state that you **MUST** give to the clerk of the court and to the person who asked for this garnishment, within 10 days after the end of the payor's employment with you, a written notice,
 - (i) indicating that the payor has ceased to be employed by you, and
 - (ii) setting out the date on which the employment ended and the date of the payor's last remuneration from you.

IF YOU DO NOT OBEY THIS NOTICE, THE COURT MAY ORDER YOU TO PAY THE FULL AMOUNT OWED AND THE COSTS INCURRED BY THE RECIPIENT.

IF YOU PAY ANYONE OTHER THAN AS DIRECTED ON THE FRONT OF THIS SHEET, THE COURT MAY ORDER YOU TO MAKE ANOTHER PAYMENT, BUT THIS TIME, TO THE PERSON NAMED IN THIS NOTICE.

Signature of the clerk of the court_____
Date of signature

NOTICE TO THE PAYOR: You have the right to serve and file a dispute in Form 29E at the court office within 10 days after service of this notice on you. You may want to talk to a lawyer about this. A blank Form 29E (*Dispute from Payor*) should have accompanied this notice when it was served on you. If it is missing, you should talk to your own lawyer or the court office immediately. You can serve by any method set out in rule 6 of the *Family Law Rules*, including mail, courier and fax. If you serve Form 29E and file it at the court office, the court may hold a garnishment hearing to decide the rights of the parties.

If the garnishee is your employer, the *Family Law Rules* say that you **MUST**, within 10 days after the end of your employment with the garnishee, give the clerk of the court and (depending on who is enforcing the garnishment) the recipient or the Director of the Family Responsibility Office, a written notice,

- (a) indicating that your employment with the garnishee is ended; and
- (b) setting out the date on which your employment ended and the date of your last pay from the garnishee.

Within 10 days after you start any new job or go back to your old one, you **MUST** give a further written notice giving the name and address of your new employer or saying that you have gone back to work with of your former employment.

Court File Number

(Name of court)

**Form 29C: Notice to
Co-Owner of Debt**

at

Court office address

Recipient(s)**Payor**

Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).	Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).
Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

TO: (co-owner's full legal name and address)

A court case between the recipient and the payor has resulted in a court order requiring the payor to pay money to the recipient. The recipient or a person enforcing this order on the recipient's behalf has served me or my business with a notice of garnishment, claiming to intercept a debt that I or my business is supposed to owe and to pay to the payor. Under the law, a debt to the payor includes both a debt payable to the payor alone and a debt payable jointly to the payor and one or more other persons. According to my records or the records of my business, you are such an "other person" who shares in the debt that I or my business owe to the payor.

- ☐ In accordance with this notice of garnishment, I have paid out one half
- ☐ In accordance with a court order, I have paid out \$.
- of the debt that I or my business jointly owes to you and the payor. This money is being held for 30 days by:
- ☐ the clerk of the court
- ☐ the Director of the Family Responsibility Office

at (address)

IF YOU BELIEVE THAT I OR MY BUSINESS HAVE PAID OUT MONEY THAT LEGALLY BELONGS TO YOU, you have 30 days from the service of this notice to serve Form 29G (*Dispute from Co-owner of Debt*) and file it with the court. You can get a copy of this form from your own lawyer or from the court office. You must then serve a completed copy of this form to the following persons:

- (a) me or my business at the address given below;
- (b) the payor and the recipient; and
- (c) the clerk of the court or the Director, depending on who is holding the money.

You can serve by any method set out in rule 6 of the *Family Law Rules*, including mail, courier and fax. Once you have served this form, you must then file it with the court with proof of service (Form 6B). The court may then hold a garnishment hearing to determine your rights.

IF YOU FAIL TO DO THIS WITHIN 30 DAYS, you may not later challenge the recipient's garnishment of the debt that I or my business jointly owes to you and the payor.

Signature of person preparing this notice or of person's lawyer

Date of signature

--

Typed or printed name, address for service, telephone & fax numbers and e-mail address of person or of person's lawyer

Court File Number

(Name of court)

**Form 29D: Statutory
Declaration of Indexed
Support, dated**at _____
Court office address**Recipient(s)**

Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Payor

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Garnishee

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

My name is (full legal name)**I live in** (municipality & province)**and I declare that the following is true:**

1. I am
 - ☐ a recipient under a support order or the support provisions of a domestic contract or paternity agreement.
 - ☐ an assignee of a recipient under a support order or the support provisions of a domestic contract or paternity agreement.
 - ☐ an agent of the Director of the Family Responsibility Office.
 - ☐ (Other. Specify.)
2. On (date), a notice of garnishment was issued to the garnishee to enforce a support order or the support provisions of a domestic contract or paternity agreement that indexed the periodic payments for inflation.
3. On (date), the amount of support was automatically adjusted for inflation as set out in the order, contract or agreement.
4. As a result of this adjustment, the garnishee should now be making the following deductions: (State new level of deductions)

Continued on other side. ➡

Form 29D: Statutory Declaration of Indexed Support (page 2)

Court file number

Put a line through any blank space left on this page.

Declared before me at municipality
in province, state or country
on date

Commissioner for taking affidavits
(Type or print name below if signature is illegible.)

Signature

(This form is to be signed in front of a lawyer,
justice of the peace, notary public or commis-
sioner for taking affidavits.)

NOTE: This declaration must be served on the garnishee and the payor together with blank forms of dispute and must then be filed with the clerk of the court. You can serve by any means allowed in rule 6 of the *Family Law Rules*, including mail, courier nad fax. The filing with the clerk of the court must be accompanied by proof of service (Form 6B).

NOTICE TO GARNISHEE: From the moment that you are served with this declaration, you must treat the notice of garnishment as if it now required you to make the deductions set out in paragraph 4 of this declaration. Failure to do so is the same as disobeying the *Notice of Garnishment*.

NOTICE TO PAYOR AND GARNISHEE: You have the right to serve and file a dispute in Form 29E (*Dispute from Payor*) or Form 29F (*Dispute from Garnishee*) at the court office within 10 days after service of this declaration on you if you have legal reasons for objecting to the changes to the notice of garnishment. You may want to talk to a lawyer about this. A blank form of dispute should have accompanied this declaration when it was served on you. If it is missing, you should talk to your own lawyer or the court office immediately. If this is what you want to do, you must serve your dispute on the other parties. You can serve by any means allowed in rule 6 of the *Family Law Rules*, including mail, courier and fax. Once the dispute has been served, you must file it with the clerk of the court. The filing must be accompanied by proof of service (Form 6B). If you serve and file your dispute, the court may hold a garnishment hearing to decide the rights of the parties.

Court File Number

(Name of court)

Form 29E: Dispute
(payor)

at

Court office address

Recipient(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).
--	--

Payor

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).
--	--

Garnishee

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).
--	--

My name is (full legal name)

I live in (municipality & province)

and I swear/affirm that the following is true:

1. I am the payor in this garnishment case.

2. I dispute ☐ the notice of garnishment issued on

☐ the statutory declaration of indexed support made on

(date) , for the following reason(s):

(State the reason or reasons for your dispute in numbered paragraphs.)

Continued on other side. ➡

Form 29E: Dispute (payor) (page 2)

Court file number

Put a line through any blank space left on this page.

Sworn/Affirmed before me at
municipality

in
province, state or country

on
date

Commissioner for taking affidavits
(Type or print name below if signature is illegible.)

Signature

(This form is to be signed in front of a
lawyer, justice of the peace, notary public
or commissioner for taking affidavits.)

NOTICE TO RECIPIENT: Please examine this dispute. If you disagree with it, you may ask to have a court hearing. You may want to talk to your own lawyer about this. You have 10 days from the date of being served with this document to decide whether to have a court hearing. If you want a hearing, you or your lawyer have 10 days within which to ask the clerk of the court, either in person or in writing, to mail out to you, to the payor, to the garnishee and to the co-owner of a joint debt (if any) a notice of garnishment hearing (Form 29H). At that hearing, the judge will give you and the other parties a chance to be heard and may make an order that can affect the rights of all parties.

Court File Number

(Name of court)

**Form 29F: Dispute
(garnishee)**

at

Court office address

Recipient(s)Full legal name & address for service — street & number, municipality,
postal code, telephone & fax and e-mail address (if any).Lawyer's name & address — street & number, municipality, postal code,
telephone & fax numbers and e-mail address (if any).**Payor**Full legal name & address for service — street & number, municipality,
postal code, telephone & fax numbers and e-mail address (if any).Lawyer's name & address — street & number, municipality, postal code,
telephone & fax numbers and e-mail address (if any).**Garnishee**Full legal name & address for service — street & number, municipality,
postal code, telephone & fax numbers and e-mail address (if any).Lawyer's name & address — street & number, municipality, postal code,
telephone & fax numbers and e-mail address (if any).**1** I am the garnishee in this garnishment case.**2.** I am not legally required to pay ☐ the amounts set out in the notice of garnishment issued on
☐ the changed amounts set out in the statutory declaration of indexed support
made on

(date) , for the following reason(s):

☐ I do not owe and do not expect to owe any money to the payor because:☐ the payor has never worked for me.☐ the payor stopped working for me on (date) .☐ I owed the payor money and paid it in full by (date) .☐ I do not hold any money in trust for or to the credit of the payor.☐ (Other. Specify.)

Continued on other side. ➡

Form 29F: Dispute (garnishee) (page 2)

Court file number

- ☐ I owe or will owe money to the payor, but it cannot be seized by garnishment because *(State reasons for legal exemption.)*
- ☐ *(Other grounds. Specify.)*

Put a line through any blank space left on this page.

Signature of garnishee

Date of signature

NOTICE TO RECIPIENT: Please examine this dispute. If you disagree with it, you may ask to have a court hearing. You may want to talk to your own lawyer about this. You have 10 days from the date of being served with this document to decide whether to have a court hearing. If you want a hearing, you or your lawyer have 10 days within which to ask the clerk of the court, either in person or in writing, to mail out to you, to the payor, to the garnishee and to the co-owner of a joint debt (if any) a notice of garnishment hearing (Form 29H). At that hearing, the judge will give you and the other parties a chance to be heard and may make an order that can affect the rights of all parties.

Court File Number

(Name of court)

Form 29G: Dispute
(co-owner of debt)

at

Court office address

Recipient(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Payor

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Garnishee

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

- 1 I am a person who shares in the debt that the garnishee in this garnishment case is supposed to owe to the payor.
- 2 I make a claim on the money that the garnishee paid out and that is being temporarily held for the recipient's benefit as follows: (In separately numbered paragraphs, indicate the amount that you are claiming to be yours and set out the legal basis for your claim.)

Form 29G: Dispute (co-owner of debt) (page 2)

Court file number

Put a line through any blank space left on this page.

Signature of co-owner of debt

Date of signature

NOTICE TO RECIPIENT: Please examine this dispute. If you disagree with it, you may ask to have a court hearing. You may want to talk to your own lawyer about this. You have 10 days from the date of being served with this document to decide whether to have a court hearing. If you want a hearing, you or your lawyer have 10 days within which to ask the clerk of the court, either in person or in writing, to mail out to you, to the payor, to the garnishee and to the co-owner of a joint debt (if any) a notice of garnishment hearing (Form 29H). At that hearing, the judge will give you and the other parties a chance to be heard and may make an order that can affect the rights of all parties.



(Name of court)

at _____

Court office address

Court File Number

.....

Form 29H: Notice of
Garnishment Hearing

Recipient(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Payor

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Garnishee

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

TO THE PARTIES:
THE COURT WILL HOLD A HEARING on (date), at a.m./p.m.
or as soon as possible after that time, at (place of hearing)

because (Check the appropriate box or boxes.)
☐ a dispute has been filed by the ☐ payor ☐ garnishee ☐ co-owner of a debt
☐ it is claimed that the garnishee has not paid any money
☐ it is claimed that the garnishee has paid less than the required amount money
and the clerk of the court has received a request that a garnishment hearing be held.

IF YOU DO NOT COME TO COURT, AN ORDER MAY BE MADE WITHOUT YOU AND ENFORCED AGAINST YOU.

Signature of the clerk of the court

Date of signature

NOTE: Where a dispute has been served and filed, a photocopy of it should be attached to this notice. If it is missing, you should talk to the court office immediately.

Court File Number

(Name of court)

**Form 29I: Notice to
Stop Garnishment**

at

Court office address

Recipient(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Payor

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Garnishee

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

TO: (name of garnishee)

AND TO ☐ THE CLERK OF THE COURT: ☐ THE SHERIFF OF (area)

My name is: (full legal name)

- I am ☐ the person who asked for the garnishment in this case.
☐ the lawyer for the person who asked for the garnishment in this case.
☐ the person who continued this garnishment under a transfer of enforcement.
☐ the lawyer for the person who continued this garnishment under a transfer of enforcement.
☐ an agent for the Director of the Family Responsibility Office.
☐ (Other. Specify.)

The notice of garnishment issued on (date), by the clerk
 of the court is withdrawn today.

YOU ARE THEREFORE DIRECTED TO STOP FURTHER PAYMENTS UNDER THE GARNISHMENT.

Signature of person withdrawing garnishment

Date of signature



(Name of court)

Court File Number

at _____
Court office address

**Form 30: Notice of
Default Hearing**

Recipient(s)

<p><i>Full legal name & address for service — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p>	<p><i>Lawyer's name & address — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p>
--	--

Payor

<p><i>Full legal name & address for service — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p>	<p><i>Lawyer's name & address — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p>
--	--

TO (name of payor)

YOU MUST COME TO COURT on (date) _____, at _____ a.m./p.m.
or as soon after that time as the court can hear the matter, at (place of hearing)

It is claimed by the recipient or on the recipient's behalf that you have missed support payments under an order, domestic contract or paternity agreement. Details of the claim against you can be found in the attached copy of the statement of money owed. If it is missing, you should contact the court office immediately. The court has been asked to hold a default hearing under section 41 of the *Family Responsibility and Support Arrears Enforcement Act*, in which you will be required to explain not only the missed payments mentioned in the statement of money owed, but also any payments missed right up to the day when the court holds the hearing.

YOU MUST FILL OUT the attached blank forms of the financial statement (Form 13) and the default dispute (Form 30B), serve a copy of the completed forms on the recipient's lawyer, or on the recipient if the recipient has no lawyer, or on the Director of the Family Responsibility Office, and then file the completed forms, together with proof of service (Form 6B), at the court office, all within 10 days after service of this notice on you. You can use any method of service allowed under rule 6 of the *Family Law Rules*, including mail, courier or fax. If the blank forms are missing, you must talk to the court office immediately.

IF YOU DO NOT FILL OUT AND SERVE THE FINANCIAL STATEMENT OR IF YOU DO NOT COME TO COURT AS REQUIRED BY THIS NOTICE, A WARRANT MAY BE ISSUED FOR YOUR ARREST TO BRING YOU TO COURT.

You should bring with you to the default hearing any documents (such as cancelled cheques) that you need to prove that you made payments that are claimed to be missing. You may bring your own lawyer with you.

AT THE DEFAULT HEARING, THE COURT MAY MAKE AN ORDER AGAINST YOU, INCLUDING AN ORDER FOR YOUR IMPRISONMENT FOR UP TO 90 DAYS. YOU MAY ALSO BE ORDERED TO PAY COSTS.

IF YOU PAY THE AMOUNT OF THE MISSING PAYMENTS ON OR BEFORE THE DAY OF THE HEARING, YOU MAY STILL BE REQUIRED TO COME TO COURT AND TO PAY COSTS.

Signature of clerk of the court

Date of signature

Court File Number

(Name of court)

**Form 30A: Request for
Default Hearing**

at

Court office address

Recipient(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Payor

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

TO THE CLERK OF THE COURT :

- I am ☐ the person who signed the attached statement of money owed.
☐ the lawyer for the person who signed the attached statement of money owed.
☐ (Other. Specify.)
- The payor has missed support payments in the amount of \$, as detailed in the attached statement of money owed.
- I request that a notice of default hearing be issued requiring the payor to come to court to explain the missed payments at a hearing under section 41 of the *Family Responsibility and Support Arrears Enforcement Act*.

Signature

Date of signature

NOTE: You must prepare and attach a fresh statement of money owed (one that has been prepared within the past 30 days) to this request when you file it with the clerk of the court. Then, in the week leading up to the default hearing, you must file an updated statement of money owed.

Court File Number

(Name of court)

Form 30B: Default
Dispute

at

Court office address

Recipient(s)Full legal name & address for service — street & number, municipality,
postal code, telephone & fax and e-mail address (if any).Lawyer's name & address — street & number, municipality, postal code,
telephone & fax numbers and e-mail address (if any).**Payor**Full legal name & address for service — street & number, municipality,
postal code, telephone & fax numbers and e-mail address (if any).Lawyer's name & address — street & number, municipality, postal code,
telephone & fax numbers and e-mail address (if any).

My name is (full legal name)

I live in (municipality & province)

and I swear/affirm that the following is true:

1. I am the person named as payor in this case.

(Check off and fill in appropriate paragraphs below. Paragraphs that do not apply to you may be struck out and initialled.)

- ☐ 2. I have not missed any support payments as claimed in the statement of money owed because: (Set out your reasons for saying that there are no missed payments.)

- ☐ 3. I do not owe the amount claimed in the statement of money owed. I owe instead the sum of \$. The reason for the difference in the amounts is:
(Set out your explanation, if any and if known, for the difference. If you have paid all the money that you claim to owe here, ignore and strike out paragraphs 4 and 5 below; if not, go to paragraph 5 on the other side to give your reasons for non-payment.)

Put a line through any blank space left on this page.

Continued on other side. ➡

Form 30B: Default Dispute (page 2)

Court file number

☐ 4. I owe the amount claimed in the statement of money owed. (Go to paragraph 5 below to give your reasons for not paying.)

☐ 5. My reasons for not paying the money that I owe are: (State your reasons.)

Put a line through any blank space left on this page.

Sworn/Affirmed before me at
municipality

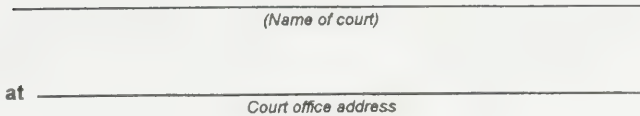
in
province, state or country

on
date

Commissioner for taking affidavits
(Type or print name below if signature is illegible.)

Signature

(This form is to be signed in front of a
lawyer, justice of the peace, notary public
or commissioner for taking affidavits.)



Form 31: Notice of Contempt Motion

<p><i>Full legal name & address for service — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p>	<p><i>Lawyer's name & address — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p>
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<p><i>Full legal name & address for service — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p>	<p><i>Lawyer's name & address — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p>
--	--

A motion will be made by *(moving party's name)*
for a finding that you are in contempt of the court because you: *(Briefly state details of contempt.)*

IF YOU ARE FOUND IN CONTEMPT OF THE COURT, THE COURT MAY MAKE AN ORDER TO IMPRISON YOU, TO PAY A FINE AND TEMPORARILY TO SEIZE YOUR PROPERTY. YOU MAY ALSO BE ORDERED TO PAY COSTS. IF YOU DO NOT COME TO COURT, A WARRANT MAY BE ISSUED FOR YOUR ARREST TO BRING YOU TO COURT.

--

461



(Name of court)

Court File Number

at

Court office address

**Form 32: Bond
(recognizance)**

Applicant(s)/Recipient(s) *(Strike out inapplicable term.)*

Full legal name & address for service — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Respondent/Payor *(Strike out inapplicable term.)*

Full legal name & address for service — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

TO THE COURT :

My name is *(full legal name)*

I live in *(municipality and province)*

I ACKNOWLEDGE THAT I OWE ☐ Her Majesty the Queen

☐ *(name of person who can legally collect the money from me)*

the amount of \$,

- ☐ that will be immediately deposited in full with the clerk of the court by me or by one or more of my sureties and that will be forfeited,
- ☐ that, by the court's permission, will not need to be deposited with the clerk of the court but that can be collected from me and from one or more of my sureties in the same way that an order for the payment of money may be enforced by this court,

if I do not comply with any one or more of the following conditions:

(List the conditions in numbered paragraphs. Indicate the duration of each condition with the words, "... until [expiry date]" or a similar phrase wherever the judge has imposed an expiry date.)

Continued on other side. ➡

Form 32: Bond (recognizance) (page 2)

Court file number

Put a line through any blank space left on this page or on the reverse page.

Signature of person under bond (recognizance)

NOTE: A recognizance must be signed in front of the clerk of the court or the judge. No seal is needed for a bond

(Complete the following unless the court did not require any surety. No seals are needed for a bond.)

By signing below, each surety agrees to become indebted in the same way as the person giving the bond or recognizance if that person does not comply with the terms on this form.

Full legal name and address of first surety	Full legal name and address of second surety
Signature of first surety	Signature of second surety
Full legal name and address of third surety	Full legal name and address of fourth surety
Signature of third surety	Signature of fourth surety

If this form is a recognizance, the following must be completed.

This recognizance was signed before me at (municipality)

Signature of judge or clerk of the court

ON (date)

NOTE TO THE BOND GIVER AND TO ANY SURETY: If there is a material change in circumstances, you may make a motion to the court to change any condition of this bond (recognizance).

Court File Number

(Name of court)

**Form 32A: Notice of
Forfeiture Motion**

at

Court office address

Applicant(s)/Recipient(s) *(Strike out inapplicable term.)*

Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Respondent/Payor *(Strike out inapplicable term.)*

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

TO: *(name of person who entered into recognizance or who posted bond)***AND TO:** *(name of surety or sureties)*

The person making this motion or the person's lawyer must contact the clerk of the court by telephone or otherwise to choose a time and date when the court could hear this motion

THE COURT WILL HEAR A MOTION ON (date) ,
at a.m./p.m., or as soon as possible after that time at: (place of hearing)

The motion is being made by *(moving party's name)*

who will be asking the court to make an order of forfeiture in respect of

☐ a recognizance entered into ☐ a bond posted

by *(name of person who entered into recognizance or who posted bond)*

on *(date)* A copy of the bond/recognizance should be attached to this notice. Details of the grounds of the motion are set out in the affidavit(s) that accompany this notice. If the document(s) is/are missing, you should talk to the court office immediately.

IF YOU DO NOT COME TO COURT FOR THIS MOTION, AN ORDER OF FORFEITURE MAY BE MADE WITHOUT YOU AND MAY BE ENFORCED AGAINST YOU.

Signature of person making this motion or of person's lawyer

Date of signature

Typed or printed name, address for service, telephone and fax numbers and e-mail address of person or of person's lawyer



(Name of court)
at _____
Court office address

Court File Number

Form 32B: Warrant
for Arrest

TO ALL PEACE OFFICERS IN THE PROVINCE OF ONTARIO:

I COMMAND YOU TO ARREST *(name of person to be arrested)*
on the grounds that this person is:

- ☐ a payor who has failed to file a financial statement at the request of the Director of the Family Responsibility Office.
See subsection 40(4) of the Family Responsibility and Support Arrears Enforcement Act.
- ☐ a payor who has failed to file a financial statement, as required by a *Notice of Default Hearing*.
See subsection 41(6) of the Family Responsibility and Support Arrears Enforcement Act.
- ☐ a payor who has failed to appear before the court to explain a default in a support order, domestic contract or paternity agreement that is enforceable in this court, as required by a *Notice of Default Hearing*.
See subsection 41(6) of the Family Responsibility and Support Arrears Enforcement Act.
- ☐ a payor who is about to leave Ontario intending to evade his or her responsibilities under a support order, domestic contract or paternity agreement that is enforceable in this court.
See subsection 49(1) of the Family Responsibility and Support Arrears Enforcement Act.
- ☐ a respondent in an application for support who is about to leave Ontario, intending to evade his or her responsibilities under the *Family Law Act*.
See subsection 43(1) of the Family Law Act.
- ☐ a respondent in an application to incorporate a paternity agreement in an order of the court, who is about to leave Ontario, intending to evade his or her responsibilities under the agreement.
See subsection 59(2) of the Family Law Act.
- ☐ a witness whose presence is necessary to determine an issue in a proceeding, who has been served with a *Summons to Witness* and who has failed to attend or to remain in attendance as required by the *Summons to Witness*.
See subrules 20(9), 23(7) and 27(19) of the Family Law Rules.
- ☐ a person who has failed to appear at a proceeding that may result in an order requiring him or her to enter into a *Recognizance* or to post a *Bond*.
See subrule 32(1) of the Family Law Rules.
- ☐ a person who has failed to enter into a *Recognizance* or to post a *Bond* as required by an order of this court.
See rule 32(1) of the Family Law Rules.
- ☐ a person against whom a motion for contempt of the court is brought, whose attendance at the motion for contempt is necessary in the interests of justice and who appears not likely to appear voluntarily at the motion.
See subrule 31(4) of the Family Law Rules.
- ☐ *(Other. Specify the grounds and the statutory or regulatory authority to issue this warrant.)*

AND I FURTHER COMMAND YOU to bring this person immediately to court in the municipality in which he or she may be found to be dealt with according to law, and if the court is not then sitting, to bring this person to a justice of the peace as soon as possible to be dealt with according to law.

Signature of judge

Date of issue

Print or type name of judge

Date on which this warrant expires

Insert all available information

Full legal name of person to be arrested				Birth date (d,m,y)		Sex
Aliases or nicknames						
Residential address				Telephone number		
Employment address				Telephone number		
Height	Weight	Hair colour	Hair style	Eye colour	Complexion	
Driver's licence			Year, make & model of automobile			
Licence plate & province			Social insurance number			
Clubs, associations or union affiliation						
Most recent date & occasion when residential address was verified by personal service						
Name & address of person to be contacted for further information				Telephone number		

_____ (Name of court)	at	_____ Court office address	<div style="border: 2px solid black; padding: 10px; margin: 0 auto; width: 80%;"> WARRANT FOR ARREST </div>
--------------------------	----	-------------------------------	--

I have informed this arrested person of his/her right to a lawyer.	_____ Date of arrest	_____ Signature of arresting officer	_____ Printed name of arresting officer (In space below, set out address and telephone number where arresting officer may be contacted.)
--	-------------------------	---	--

Court File Number

(Name of court)

**Form 32C: Affidavit for
Warrant of Committal**at
Court office address

dated

Applicant(s)/Recipient(s) *(Strike out inapplicable term.)*Full legal name & address for service — street & number, municipality,
postal code, telephone & fax and e-mail address (if any).Lawyer's name & address — street & number, municipality, postal code,
telephone & fax numbers and e-mail address (if any).**Respondent/Payor** *(Strike out inapplicable term.)*Full legal name & address for service — street & number, municipality,
postal code, telephone & fax numbers and e-mail address (if any).Lawyer's name & address — street & number, municipality, postal code,
telephone & fax numbers and e-mail address (if any).**My name is** *(full legal name)***I live in** *(municipality & province)***and I swear/affirm that the following is true:**

1. I am
 - ☐ a recipient under a payment order.
 - ☐ an assignee of a recipient under a payment order.
 - ☐ an agent of the Director of the Family Responsibility Office.
 - ☐ *(Other. Specify.)*
2. I am the person who
 - ☐ asked the payor to file a financial statement.
 - ☐ asked the payor to come to a financial examination.
 - ☐ began a default hearing against the payor.
 - ☐ made a contempt motion.
 - ☐ *(Other, specify.)*
3. I make this motion to ask the court to issue a warrant of committal.
4. On *(date)*, the court made an order of imprisonment,
a photocopy of which is attached to this affidavit, committing,
 - ☐ the payor to prison for disobeying the court's order to file a financial statement,
 - ☐ the payor to prison for disobeying the court's order or direction about a financial examination,
 - ☐ the payor to prison for missing support payments,
 - ☐ *(name)* to prison for contempt of court,
 - ☐ *(Other, specify.)*

for a period of days, but the committal was suspended on certain conditions set out in the order of imprisonment.

Continued on other side. ➡

Form 32C: Affidavit for Warrant of Committal (page 2)

Court file number

5. The respondent/payor was
- ☐ in court or his/her lawyer or agent was in court when this order of conditional imprisonment was made.
- ☐ not in court nor was his/her lawyer or agent was in court when the order of conditional imprisonment was made, but the order was served on him/her on (date)
6. The conditions that were broken and the circumstances of the breach are as follows: *(Set out conditions of the suspended imprisonment that were broken and details of the breach.)*
- ☐ Payment of the sum of \$. was due by (date) but no payment was made by that day.
- ☐ Payment of the sum of \$. was due by (date) but only a partial payment of \$. was made by that day.
- ☐ *(Other, specify.)*

Put a line through any blank space left on this page.

Sworn/Affirmed before me at *municipality*
in *province, state or country*
on *date*

Commissioner for taking affidavits
(Type or print name below if signature is illegible.)

Signature

(This form is to be signed in front of a lawyer, justice of the peace, notary public or commissioner for taking affidavits.)

Note to Moving Party: *You must attach a photocopy of the court's order of conditional imprisonment to this Affidavit*



(Name of court)

Court File Number

at _____
Court office address

Form 32D: Warrant
of Committal

TO ALL SHERIFFS AND OTHER PEACE OFFICERS IN THE PROVINCE OF ONTARIO;

AND TO THE OFFICERS OF THE: (name and address of correctional institution)

THIS WARRANT IS FOR THE COMMITTAL OF (full legal name of person to be imprisoned)

THIS COURT FOUND THAT this person:

- ☐ disobeyed the court's order to file a financial statement;
- ☐ disobeyed the court's order or direction about a financial examination;
- ☐ without valid reason missed support payments as required by an order, domestic contract or paternity agreement;
- ☐ was in contempt of court;
- ☐ (Other, specify.)

AS PUNISHMENT, THE COURT COMMITTED THIS PERSON to prison for a term of days, to be served,

- ☐ continuously
- ☐ intermittently on (pattern of intermittent sentence)

and to be served ☐ consecutively with any other term of imprisonment now being serving or about to be served.
☐ (Set out alternative arrangement with respect to other terms of imprisonment.)

Check one ☐ **AND THE COURT DIRECTED THAT** this order of imprisonment be suspended on one or more conditions. The court later found that this person broke one or more of the conditions and, as a result, the court has ordered the removal of the suspension from the order of imprisonment;
or both boxes as appropriate. Otherwise strike out and initial. ☐ **AND THE COURT ORDERED THAT** this person be subject to immediate release from custody upon receipt by the officers of the correctional institution or other secure facility of the sum of \$.;

I THEREFORE COMMAND YOU TO BRING THIS PERSON SAFELY TO THE CORRECTIONAL INSTITUTION OR SECURE FACILITY NAMED ABOVE AND TO DELIVER HIM/HER TO THE OFFICERS OF THAT INSTITUTION OR FACILITY, TOGETHER WITH THIS WARRANT.

AND I COMMAND YOU, THE OFFICERS OF THE CORRECTIONAL INSTITUTION OR SECURE FACILITY, TO ADMIT THIS PERSON INTO CUSTODY IN YOUR INSTITUTION OR FACILITY AND TO DETAIN HIM/HER THERE UNTIL THIS WARRANT EXPIRES.

This Warrant expires,

- (a) when this person has completed the prescribed term of imprisonment, subject to section 28 (remission of sentence) of the *Ministry of Correctional Services Act*; or
- (b) when you, the officers of the correctional institution or secure facility, receive the sum named above; or
- (c) upon further order of this court,

whichever event happens first.

Signature of judge

Date of issue

Print or type name of judge

NOTE: Completion of the prescribed term of imprisonment does not discharge arrears of support or maintenance. A description of the person to be imprisoned is set out on the back of this warrant.

Insert all available information

Full legal name of person to be arrested				Birth date (d,m,y)		Sex
Aliases or nicknames						
Residential address				Telephone number		
Employment address				Telephone number		
Height	Weight	Hair colour	Hair style	Eye colour	Complexion	
Driver's licence			Year, make & model of automobile			
Licence plate & province			Social Insurance number			
Clubs, associations or union affiliation						
Most recent date & occasion when residential address was verified by personal service						
Name & address of person to be contacted for further information				Telephone number		

(Name of court)	at	Court office address	WARRANT OF COMMITTAL
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Court file number

(Name of court)

**Form 33: Information
for Warrant to
Apprehend Child**

at

Court office address

My name is (full legal name)

I live in (municipality & province)

and I swear/affirm that the following is true:

1. I am ☐ a child protection worker employed by (full legal name of children's aid society)
- ☐ (Give occupation or title.)
a peace officer in the province of Ontario, employed in (name of office out of which you work)

2. I have reasonable and probable grounds to believe and do believe that (child's full legal name)

is a child in need of protection for the following reasons: (Set out grounds for belief.)

3. I have reasonable and probable grounds to believe and do believe that a course of action less restrictive than the child's removal to a place of safety is not available or will not adequately protect the child, for the following reasons:
(Set out grounds for belief.)

(Strike out paragraph 4 if not applicable.)

4. I have reasonable and probable grounds to believe that the child may be found at (Give full municipal address or a precise description of the premises where the child may be located.)

Put a line through any blank space left on this page.

Sworn/Affirmed before me at
municipalityin
province, state or countryon
date
Commissioner for taking affidavits
(Type or print name below if signature is illegible.)

Signature

(This form is to be signed in front of a
lawyer, justice of the peace, notary public
or commissioner for taking affidavits.)

Court file number

(Name of court)

**Form 33A: Warrant to
Apprehend Child**

at

Court office address

TO ALL CHILD PROTECTION WORKERS AND PEACE OFFICERS IN THE PROVINCE OF ONTARIO:

On the basis of an information sworn before me under Part III of the *Child and Family Services Act* respecting the child named or described at the bottom of this warrant, I am satisfied that there are reasonable and probable grounds to believe:

- (a) that the child is in need of protection; and
- (b) that a course of action less restrictive than the child's removal to a place of safety is not available or will not adequately protect the child.

(Check box below only if the child's whereabouts are known. Otherwise, strike out the paragraph below and initial the deletion.)

- ☐ I am further satisfied, on the basis of that information, that the child may now be found at (Give full municipal address or a precise description of the premises where the child may be located.)

I THEREFORE AUTHORIZE YOU TO BRING THIS CHILD to a "place of safety" within the meaning of the *Child and Family Services Act*.

This warrant expires at a.m./p.m. on (date)

Signature of justice of the peace

Date of signature

Print or type name of justice of the peace

Municipality where this warrant was signed

NOTE: Any changes, alterations or corrections to this form must be initialled by the justice of the peace. It is a criminal offence for any other person to change the wording of this warrant after it has been signed by the justice of the peace.

DESCRIPTION: Insert all available information

Full legal name of child to be apprehended				Birth date (d,m,y)		Sex	
Aliases or nicknames							
Residential address				Telephone number			
Present whereabouts of child				Telephone number			
Height	Weight	Hair colour	Hair style	Eye colour	Complexion		
Other features							
Name & address of person to be contacted for further information				Telephone number			

(Name of court)

at _____

Court office address

**WARRANT TO
APPREHEND CHILD**

Court File Number

(Name of court)

**Form 33B: Plan of Care
for Child**

at

Court office address

Applicant(s) *[In most child protection cases, the applicant will be a children's aid society.]*

Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Respondent(s) *[In most child protection cases, a respondent will be a "parent" within the meaning of section 37 of the Child and Family Services Act.]*

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

1. My name is (full legal name)
and I am (state position with children's aid society)

2. The child(ren) in this case is/are: (State each child's full legal name, followed by the date of birth.)

3. In this case, the children's aid society will be asking the court

- ☐ to make a finding that the child(ren) is/are in need of protection under Part III of the *Child and Family Services Act*.
☐ to make a finding that the child(ren) continue(s) to be in need at a status review of the order made on (date), following a previous finding on (date), that the child(ren) was/were in need of protection under Part III of the *Child and Family Services Act*.

4. The children's aid society ☐ proposes to remove

☐ has removed

the child(ren) from the care of the respondent(s) ☐ temporarily.

☐ permanently.

5. The children's aid society will provide the following services: (Describe the services to be offered to the child(ren) and the family.)

Put a line through any blank space left on this page.

Continued on other side. ➡

Form 33B: Plan of Care for Child (page 2)

Court file number

6. The children's aid society expects the respondent(s) to carry out certain conditions before it would feel that supervision or wardship of the child(ren) is no longer needed. Very serious consequences could result if those conditions are broken. Those conditions are: *(Set out conditions.)*

Form 33B: Plan of Care for Child (page 3)

Court file number

7. The estimated time required to achieve the expectations in paragraph 6 is: *(Give estimated duration. If longer than 3 months, give reasons.)*
8. The child(ren) cannot be adequately protected while in the care of the respondent(s) because: *(State reasons.)*
9. The following efforts have been made in the past to protect the child(ren) while in the care of the respondent(s):
(Describe the efforts made. If no efforts were made, give explanation.)
10. The following efforts are planned to maintain the child(ren)'s contact with the respondent(s). *(Describe plans. Write "NIL" if there are no plans.)*

Put a line through any blank space left on this page.

Continued on other side. ➡

Form 33B: Plan of Care for Child (page 4)

Court file number

11. The children's aid society ☐ made
☐ is making
the following efforts for the child(ren)'s long-term, stable placement: *(Describe efforts within 24 months.)*

- 12. This plan of care was served on and its details explained to the respondent(s) and others named below:**

[illegible]

Put a line through any blank space left on this page.

Signature

Date of signature

Court File Number

(Name of court)

**Form 33C: Statement of
Agreed Facts
(Child Protection)**at _____
Court office address**Applicant(s)** [In most child protection cases, the applicant will be a children's aid society.]

Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Respondent(s) [In most child protection cases, a respondent will be a "parent" within the meaning of section 37 of the Child and Family Services Act.]

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

THE PEOPLE SIGNING THIS AGREEMENT ARE:

(Give full legal name. If you are a respondent, state your relationship to the child(ren). If you are an employee of the children's aid society, state your position within the society.)

Print or type full legal name	Relationship to child OR position within children's aid society
Signature	Date of signature
Print or type full legal name	Relationship to child OR position within children's aid society
Signature	Date of signature
Print or type full legal name	Relationship to child OR position within children's aid society
Signature	Date of signature
Print or type full legal name	Relationship to child OR position within children's aid society
Signature	Date of signature

WE AGREE: (a) that the statements made on this form are true; and
 (b) that this form may be filed with the court and may be read to the court as evidence, without affecting anyone's right to test that evidence by cross-examination or to bring in other evidence.

Continued on other side. ➡

Form 33C: Statement of Agreed Facts (Child Protection) (page 2)

Court file number

1. The information about the child(ren) in this case is as follows:

Full legal name of first child:	Date of birth	Age	Sex
Child's religion			
Child's Indian or native status			
Name of child's band or native community			
If child was apprehended, address and identity of place from which child was removed			
Full legal name of child's mother by birth or by adoption			
Full legal name of child's father by birth or by adoption			
Father's status as "parent" under statute			

Full legal name of second child:	Date of birth	Age	Sex
Child's religion			
Child's Indian or native status			
Name of child's band or native community			
If child was apprehended, address and identity of place from which child was removed			
Full legal name of child's mother by birth or by adoption			
Full legal name of child's father by birth or by adoption			
Father's status as "parent" under statute			

Full legal name of third child:	Date of birth	Age	Sex
Child's religion			
Child's Indian or native status			
Name of child's band or native community			
If child was apprehended, address and identity of place from which child was removed			
Full legal name of child's mother by birth or by adoption			
Full legal name of child's father by birth or by adoption			
Father's status as "parent" under statute			

If there are more children, attach a sheet and number it.

Continued on next sheet. ➡

Form 33C: Statement of Agreed Facts (Child Protection) (page 3)

Court file number

2. The details of the children's aid society's previous involvement with one or more of these children in this case are as follows:

(Write "Nil" if no involvement. Indicate any involvement with children's aid society in another part of Ontario or a child protection agency outside Ontario. Please remember that this is a statement of AGREED FACTS. That means that you must not set out something as a fact if another party disagrees with it. If you cannot agree at all about anything, write: "No agreement reached.")

3. The child(ren) was/were apprehended because:

(If there was no apprehension, write "Nil". Again, there must be full agreement by all parties. Any point on which there is disagreement must be excluded. If there is no agreement at all on anything, write "No agreement reached.")

4. We agree that the court should make a finding that the child(ren) is/are in need of protection on the following reason(s):

(Use only the reasons listed on page 3 of the application [Form 8B]. Any reason on which there is disagreement must be excluded. If there is no agreement at all, write, "No agreement reached." In any event, the court can always make some other finding.)

Put a line through any blank space left on this page.

Continued on other side. ➡

Form 33C: Statement of Agreed Facts (Child Protection) (page 4)

Court file number

5. We agree that the least restrictive order possible in this case that would serve the best interests of the child(ren) is:

(Again, list only the terms and conditions on which there is full agreement by all parties. If there is no agreement at all, write, "No agreement reached." In any event, the court is always free to make some other order.)

Put a line through any blank space left on this page.

Court File Number

(Name of court)

**Form 33D: Statement of
Agreed Facts
(Status Review)**

at _____
Court office address

Applicant(s) [In most child protection cases, the applicant will be a children's aid society.]

Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Respondent(s) [In most child protection cases, a respondent will be a "parent" within the meaning of section 37 of the Child and Family Services Act.]

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

THE PEOPLE SIGNING THIS AGREEMENT ARE:

(Give full legal name. If you are a respondent, state your relationship to the child(ren). If you are an employee of the children's aid society, state your position within the society.)

Print or type full legal name	Relationship to child OR position within children's aid society
Signature	Date of signature
Print or type full legal name	Relationship to child OR position within children's aid society
Signature	Date of signature
Print or type full legal name	Relationship to child OR position within children's aid society
Signature	Date of signature
Print or type full legal name	Relationship to child OR position within children's aid society
Signature	Date of signature

WE AGREE: (a) that the statements made on this form are true; and
(b) that this form may be filed with the court and may be read to the court as evidence, without affecting anyone's right to test that evidence by cross-examination or to bring in other evidence.

Continued on other side. ➡

Form 33D: Statement of Agreed Facts (Status Review) (page 2)

Court file number

1. The information about the child(ren) in this case is as follows:

Full legal name of first child:	Date of birth	Age	Sex
Child's religion			
Child's Indian or native status			
Name of child's band or native community			
If child was apprehended, address and identity of place from which child was removed			
Full legal name of child's mother by birth or by adoption			
Full legal name of child's father by birth or by adoption			
Father's status as "parent" under statute			

Full legal name of second child:	Date of birth	Age	Sex
Child's religion			
Child's Indian or native status			
Name of child's band or native community			
If child was apprehended, address and identity of place from which child was removed			
Full legal name of child's mother by birth or by adoption			
Full legal name of child's father by birth or by adoption			
Father's status as "parent" under statute			

Full legal name of third child:	Date of birth	Age	Sex
Child's religion			
Child's Indian or native status			
Name of child's band or native community			
If child was apprehended, address and identity of place from which child was removed			
Full legal name of child's mother by birth or by adoption			
Full legal name of child's father by birth or by adoption			
Father's status as "parent" under statute			

If there are more children, attach a sheet and number it.

Continued on next sheet. ➡

Form 33D: Statement of Agreed Facts (Status Review) (page 3)

Court file number

2. The most recent protection order dealing with the child(ren) in paragraph 1 was made on (date)
and it said that: (State substance of order.)
3. The reason(s) that the court found the child(ren) to be in need of protection then was/were: (State grounds for protection.)
4. Since the order under review was made, the following person(s) has/have become a "parent" under Part III of the
Child and Family Services Act:
- | Full legal name | Relationship to child |
|-----------------|-----------------------|
| | |
5. Since that order was made, the following important events have happened:
(List the events that dealt with the concerns raised by the court in paragraph 3. Describe only the events on which you can ALL agree. Please remember that this is a statement of AGREED FACTS. That means that you must not set out something as a fact if at least one of the persons signing this statement disagrees with it. If you cannot agree at all about anything, write: "No agreement reached.")
6. As of today, the grounds in paragraph 3: ☐ continue to exist in whole or in part.
☐ no longer exist.
- The details are as follows:
(Indicate your agreement about how much any of these grounds still continues to exist today. Do NOT state one party's opinion about continuing need for protection if another party does not fully agree with it. That opinion may be expressed, but not here in what is supposed to be a statement of agreed facts. If you cannot agree here, write: "No agreement reached.")

Put a line through any blank space left on this page.

Continued on other side. ➡

Form 33D: Statement of Agreed Facts (Status Review) (page 4)

Court file number

7. The following parts of the society's plan of (date)
have been carried out:

(Again, there must be full agreement by everyone signing this document. If anyone disagrees, the point cannot be listed below. If there is no agreement at all on anything, write: "No agreement reached.")

8. The following additional services have been specifically provided or offered to the person(s) who had custody of the child(ren) before the child(ren) came into care of the children's aid society.

(If you cannot agree, write "No agreement reached.")

9. The following parts of the society's plan of care were not carried out:

(Indicate what was not done. Again, all parties must agree. If there is no agreement, write "No agreement reached.")

10. The reasons that the parts of the plan were not carried out were:

(List the reasons on which everybody who signs this form agrees. Do not list reasons on which there is disagreement. If there is no agreement at all on any reason, write "No agreement reached.")

Put a line through any blank space left on this page.

Continued on next sheet. ➡

Form 33D: Statement of Agreed Facts (Status Review) (page 5)

Court file number

11. The child(ren) and *(name of other persons)*
☐ do not require ☐ still require
further services.

(List any further services only if ALL parties agree that there is a need for them. If there is no agreement, write, "No agreement reached.")

12. We agree that the least restrictive order possible in this case that would serve the best interests of the child(ren) is: *(Do NOT include terms on which there is any disagreement by any party. If there is total disagreement, write, "No agreement reached." In any event, the court is always free to make some other order.)*

Put a line through any blank space left on this page.

Court File Number

(Name of court)

Form 33E: Child's
Consent to Secure
Treatment

at

Court office address

Applicant(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Child

Full legal name of child:	Lawyer's name & address — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).
Birthdate:	
Sex:	

1. My name is (child's full legal name)
2. I know that the applicant(s) is/are asking the court to make an order

☐ to send me to and maybe have me locked up for my own protection at

☐ to keep me for a longer time and maybe keep me locked up for my own protection at

☐ to get me released from

(name and address of program)

.....

.....
3. I know that ☐ I have a right to be in court when this case is heard by the judge, but I agree not to come to court and to let the court make whatever order needs to be made without me.

☐ the court usually needs to hear witnesses before it can make an order in this case, but I agree that the court can make the order without having to hear witnesses in person and can reach its decision on evidence found in the reports and other documents that the applicant(s) can show to the judge.
4. I have talked with a lawyer

(a) who has explained these things to me, and

(b) who has explained what it means for me to sign this consent, and

(c) who is going to witness my signature of this form.

<div></div> <div>Signature of child</div>	<div></div> <div>Date of signatures</div>
<div></div> <div>Signature of lawyer</div>	<div>NOTE: This consent must be witnessed by an independent lawyer who is to provide an affidavit of independent legal advice on the reverse side of this sheet.</div> <div>NOTE: A consent to dispense with oral evidence is not effective for more than 180 days after the court's order.</div>

Continued on other side. ➡

Form 33E: Child's Consent to Secure Treatment (page 2)

Court file number

AFFIDAVIT OF EXECUTION AND INDEPENDENT LEGAL ADVICE

My name is *(full legal name)*

and I swear/affirm that the following is true:

1. I am a member of the Bar of *(name of jurisdiction)*
and am not acting for any other person in this secure treatment case.
2. I explained to *(child's full legal name)* about
 - ☐ the nature and effect of ☐ secure treatment;
 - ☐ an extension of secure treatment;
 - ☐ release from secure treatment;
 - ☐ the consequences of not attending the hearing; and
 - ☐ the consequences of a hearing where a court proceeds without hearing oral evidence;
 in language appropriate to his/her age to the best of my knowledge and skills.
3. After my explanation, the child told me that he/she wanted to sign this consent.
4. I was present at and witnessed the signing of this consent by the child.

Sworn/Affirmed before me at
municipalityin
province, state or countryon
dateCommissioner for taking affidavits
(Type or print name below if signature is illegible.)

Signature

(This form is to be signed in front of a
lawyer, justice of the peace, notary
public or commissioner for taking
affidavits.)

Court File Number

(Name of court)

**Form 33F: Consent to
Secure Treatment
(person other than child)**at _____
Court office address**Applicant(s)**

Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Child

Full legal name of child:	Lawyer's name & address — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).
Birthdate:	
Sex:	

Name and address of secure treatment program in this case

My name is (full legal name) and I am

- ☐ the administrator of the secure treatment program. I consent to this application for
- ☐ the child's commitment to the program.
 - ☐ an extension of the child's commitment to the program.
 - ☐ an extension of the commitment to the program of the person admitted into it who has now attained the age of eighteen years.
- ☐ the child's parent. I consent to
- ☐ this application for the commitment of my child who is in the care of a person other than the administrator of the secure treatment program.
 - ☐ my child's commitment to the secure treatment program for a period of 180 days in this application brought by (full legal name of applicant children's aid society)
 - ☐ this application by the administrator of the secure treatment program for an extension of my child's admission to the program.
- ☐ an authorized representative of the Minister of Community and Social Services for Ontario. I consent to the admission of the child who is less than twelve years old to the secure treatment program
- ☐ temporarily while this case for an order of commitment or for an order extending it is adjourned.
 - ☐ on the court's final order of commitment or extending commitment.
- ☐ an officer of (full legal name of children's aid society)
I am authorized, on behalf of the society, to consent to this application of the administrator of the secure treatment program for an extension of the child's commitment to that program.
- ☐ the person who is the subject of this case. I am 18 years of age or more. I consent to this application to extend my commitment to the secure treatment program to which I am now admitted.

Signature

Date of signature

Court File Number

(Name of court)

**Form 34: Child's Consent
to Adoption**

at

Court office address

Applicant(s)Full legal name & address for service — street & number, municipality,
postal code, telephone & fax and e-mail address (if any).Lawyer's name & address — street & number, municipality, postal code,
telephone & fax numbers and e-mail address (if any).**Respondent(s)** [Note: In some adoption cases, there may be no formal respondent.]Full legal name & address for service — street & number, municipality,
postal code, telephone & fax numbers and e-mail address (if any).Lawyer's name & address — street & number, municipality, postal code,
telephone & fax numbers and e-mail address (if any).

1. My name is (child's full legal name)
2. I was born on (give date of birth)
3. I know that (full legal name of applicant(s))
is/are asking the court to make an order to adopt me.
4. I agree to being adopted by the applicant(s).
5. I have been given a chance to get counselling.
6. I know that I have 21 days to change my mind about this *Consent* and that I would have to put it in writing to the
children's aid society office at: (municipal address)
7. I have spoken to a lawyer
 - ☐ who has explained adoption to me,
 - ☐ who has explained what it means for me to sign this *Consent*,
 - ☐ who has told me what to do if I want to change my mind about this *Consent*,
 - ☐ who has told me about the adoption disclosure register, and
 - ☐ who is going to witness my signing of this form.

To be completed only where the child is 12 years of age or older.

8. I agree that my name after adoption will be (full legal name after adoption)

Signature of child

Date of signatures

Signature of independent witnessing lawyer

Continued on other side. ➡

Form 34: Child's Consent to Adoption (page 2)

Court file number

AFFIDAVIT OF EXECUTION AND INDEPENDENT LEGAL ADVICEMy name is *(full legal name)*

and I swear/affirm that the following is true:

1. I am a member of the Bar of *(name of jurisdiction)* and am an agent of the Office of the Children's Lawyer.
2. I am not acting for any other person in this adoption case.
3. I explained to *(child's full legal name)* about
 - ☐ the nature and effect of adoption under the law of Ontario;
 - ☐ the nature and effect of this consent;
 - ☐ the circumstances under which this consent may be withdrawn;
 - ☐ the nature and operation of Ontario's adoption disclosure register; and
 - ☐ the right upon request to be advised whether an adoption order has been made,
 in language appropriate to his/her age to the best of my knowledge and skills.
4. After my explanation, the child told me that he/she wanted to sign this consent.
5. I was present at and witnessed the signing of this consent by the child.

Sworn/Affirmed before me at
municipalityin
province, state or countryon
dateCommissioner for taking affidavits
(Type or print name below if signature is illegible.)

Signature

(This form is to be signed in front of a lawyer, justice of the peace, notary public or commissioner for taking affidavits.)

Court File Number

(Name of court)

**Form 34A: Affidavit of
Parentage, dated**at
Court office address**Applicant(s)**

<i>Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).</i>	<i>Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i>

Respondent(s) [Note: In some adoption cases, there may be no formal respondent.]

<i>Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i>	<i>Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i>

My name is (full legal name)

I live in (municipality & province)

and I swear/affirm that the following is true:

1. The child's full legal name is:
2. I am (State your relationship to the child.)
3. The child was born on (date), in (municipality, province, etc.)
4. The child's birth was registered with the vital statistics register of (province), under the following name(s):

Check applicable box.

5. ☐ I do not know the identity of the child's biological father.
- ☐ The child's biological father is (father's full legal name)
- ☐ The only information that I have about the child's biological father is as follows (Give details.)

6. (Name of person familiar with legal meaning of "parent")
has reviewed with me those categories of persons who qualify as "parents" for the purposes of the *Child and Family Services Act* and whose consents have to be obtained before the child can be adopted.

Continued on other side. ➡

Form 34A: Affidavit of Parentage (page 2)

Court file number

Check off those boxes below that pertain to your situation.

7. The review mentioned in paragraph 6 included an examination of the following checklist:

- ☐ The child was born within 300 days after
- ☐ the mother's husband (*husband's full legal name*) died.
 - ☐ the mother got a divorce from (*spouse's full legal name*)
 - ☐ the mother got an annulment from (*spouse's full legal name*)
 - ☐ the mother's cohabitation with (*man's full legal name*)
that lasted for a period of (*State duration of relationship.*)
came to an end.
- ☐ At the time of the child's birth, the child's mother was
- ☐ not married.
 - ☐ married to (*husband's full legal name*)
 - ☐ not cohabiting with any man.
 - ☐ cohabiting with (*man's full legal name*)
a period of (*State duration of relationship.*) for
- ☐ After the child's birth, the child's mother
- ☐ remained unmarried to this day, to the best of my knowledge and information.
 - ☐ was married to a man who has never acknowledged that he is the father of the child.
 - ☐ was married on (*date of marriage*) to
(*husband's full legal name*), who acknowledged that
he is the father of the child.
- ☐ Under Ontario's *Vital Statistics Act* or under similar legislation in another province or territory in Canada,
- ☐ no man, to the best of my knowledge and information,
 - ☐ (*man's full legal name*)
has certified the child's birth as the child's father.
- ☐ As of today's date,
- ☐ no man has, to the best of my knowledge and information, been recognized by a court in
Canada
 - ☐ (*man's full legal name*) has been recognized
by (*name of court*)
to be the father of the child.
- ☐ In the 12 months before the child was placed for adoption,
- ☐ no person,
 - ☐ (*person's full legal name*)
has demonstrated a settled intention to treat the child as a child of his or her own family.
- ☐ In the 12 months before the child was placed for adoption,
- ☐ no person has acknowledged to me or, to the best of my knowledge and information, to any
other person or agency,
 - ☐ (*person's full legal name*) acknowledged
☐ to me
☐ to (*name of other person or agency*)
parentage of the child and provided for the child's support.
- ☐ A statutory declaration
- ☐ has, to the best of my knowledge and information, never been filed by any person,
 - ☐ was filed by (*person's full legal name*)
with the office of the Registrar General acknowledging parentage of the child.
- ☐ There is
- ☐ no written agreement or court order requiring any person,
 - ☐ a written agreement made on (*date*) , at
(*municipality, etc.*) ,
requiring (*person's full name*)
 - ☐ an order of (*name of court*) , made
on (*date*) , at

Continued on next sheet. ➡

Form 34A: Affidavit of Parentage (page 3)

Court file number

(municipality, etc.)
 requiring (person's full legal name)

to provide for the child's support.

- ☐ There is ☐ no written agreement or court order giving any person,
☐ a written agreement made on (date) , at
 (municipality, etc.)
 giving (person's full name)
☐ an order of (name of court) , made
 on (date) , at
 (municipality, etc.)
 giving (person's full legal name)
 custody of or access to the child.

8. The review in paragraphs 6 and 7 indicates that, other than the child's mother,

- ☐ no other person,
☐ (full legal name of person(s))

meets/meet the definition of "parent" whose consent would therefore be required before the child could be adopted.

Sworn/Affirmed before me at
 municipalityin
 province, state or countryon
 date
 Commissioner for taking affidavits
 (Type or print name below if signature is illegible.)

Signature

(This form is to be signed in front of a
 lawyer, justice of the peace, notary public
 or commissioner for taking affidavits.)

Court File Number

(Name of court)

**Form 34B: Non-Parent's
Consent to Adoption by
Spouse**at _____
Court office address**Applicant(s)**Full legal name & address for service — street & number, municipality,
postal code, telephone & fax and e-mail address (if any).Lawyer's name & address — street & number, municipality, postal code,
telephone & fax numbers and e-mail address (if any).**Respondent(s)** [Note: In some adoption cases, there may be no formal respondent.]Full legal name & address for service — street & number, municipality,
postal code, telephone & fax numbers and e-mail address (if any).Lawyer's name & address — street & number, municipality, postal code,
telephone & fax numbers and e-mail address (if any).

1. My name is (full legal name)
and I live in (municipality & province)
2. The applicant is my "spouse" within the meaning of Part VII of the *Child and Family Services Act*.
3. I am not a "parent" of the child in this case within the meaning of Part VII of the *Child and Family Services Act*.
4. I consent to the adoption of (child's full legal name)
by my spouse (spouse's full legal name)

Signature of non-parent_____
Date of signatures_____
Signature of independent lawyer

NOTE: This consent must be witnessed by an independent lawyer who is to provide an affidavit of execution and independent legal advice on the reverse side of this form. If the person giving this consent is less than 18 years old, the consent must also be accompanied by a certificate of the Children's Lawyer in Form 34J.

Continued on other side. ➡

Form 34B: Non-Parent's Consent to Adoption by Spouse (page 2)

Court file number

AFFIDAVIT OF EXECUTION AND INDEPENDENT LEGAL ADVICEMy name is *(full legal name)*

and I swear/affirm that the following is true:

1. I am a member of the Bar of *(name of jurisdiction)*
and I am not acting for any other person in this adoption case.

2. I explained to *(non-parent's full legal name)* about
☐ the nature and effect of adoption under the law of Ontario;
☐ the nature and effect of this consent;
☐ the circumstances under which this consent may be withdrawn;
☐ the nature and operation of Ontario's adoption disclosure register; and
☐ the right to counselling.

3. After my explanation, he/she told me that he/she wanted to sign this consent.

4. I was present at and witnessed the signing of this consent.

Sworn/Affirmed before me at
municipality

in
province, state or country

on
date

Commissioner for taking affidavits
(Type or print name below if signature is illegible.)

Signature

(This form is to be signed in front of a
lawyer, justice of the peace, notary
public or commissioner for taking
affidavits.)

Court File Number

(Name of court)

**Form 34C: Director's or
Local Director's Statement
on Adoption**at _____
Court office address**Applicant(s)**

Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Child

Full legal name of child:	Lawyer's name & address — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).
Birthdate:	
Sex:	

A local director of a children's aid society may complete this form only where the child was placed for adoption by the society and the child has resided in the home of the applicant(s) for at least 6 months.

- My name is (full legal name) _____, and I am
 - ☐ appointed as a Director under the *Child and Family Services Act*.
 - ☐ the local director of (full legal name of children's aid society) _____
- The child in this adoption case
 - ☐ is less than 16 years of age.
 - ☐ is less than 18 years of age and has not withdrawn from parental control.
- The child has resided in the home of the applicant(s) since (date) _____
- Having regard to the child's best interests, I recommend:
 - ☐ that the period of residence be dispensed with and that an order be made for the child's adoption by the applicant(s).
 - ☐ that the court make an order of interim custody of the child in favour of the applicant(s) for a period not exceeding one year on the terms set out on the other side of this sheet.
 - ☐ because the child has resided in the home of the applicant(s) for at least 6 months, that an order be made for the child's adoption by the applicant(s).
 - ☐ that an order for the child's adoption not be made for reasons set out on the other side of this sheet.
- The report on the child's adjustment in the home of the applicant(s) is attached to this statement.
- There are
 - ☐ no additional circumstances to which I want to draw the court's attention.
 - ☐ additional circumstances set out on the back of this form to which I want to draw the court's attention.

Signature_____
Date of signature_____
Place of signature

NOTE TO THE APPLICANT(S): If you disagree with any of the statements made in this document, you will have a chance to challenge it in court and to present your own evidence.

Continued on other side. ➡

**Form 34C: Director's or Local Director's
Statement on Adoption (page 2)**

Court file number

(Set out any additional circumstances to which the court's attention should be drawn. If more space is needed, an additional page may be attached.)

(Set out the proposed terms of the interim custody order or the reasons for recommending against the making of an adoption order. If more space is needed, an additional page may be attached.)

Court File Number

(Name of court)

**Form 34D: Affidavit of
Adoption Applicant(s)**

at

Court office address

Applicant(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Respondent(s) [Note: In some adoption cases, there may be no formal respondent.]

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

My/Our name(s) is/are (full legal name(s))**I/We live in** (municipality & province)**and I/We swear/affirm that the following is true:**

1. I am/We are the applicant(s) for the adoption of the child in this case and reside in Ontario.
2. My/our birthdate(s) is/are: (For two persons, indicate which birthdate belongs to whom.)
3. The details of my/our background are as follows: (Give details of your health, education, employment, ability to support and care for the child and any other relevant background material. If you need more space, you may add a page.)

Put a line through any blank space left on this page.

Continued on other side. ➡

Form 34D: Affidavit of Adoption Applicant(s) (page 2)

Court file number

4. The child is a resident of Ontario and is:

- ☐ my/our grandchild by blood, marriage or adoption.
- ☐ my/our grandnephew/grandniece by blood, marriage or adoption.
- ☐ my/our nephew/niece by blood, marriage or adoption.
- ☐ a child of my spouse and is my stepchild.
- ☐ is not related to me/us.

5. The history of my/our relationship with the child is as follows: *(Give details of history of your relationship with the child. If you need more space, you may add a page.)**Put a line through any blank space left on this page.**Continued on next sheet.* ➡

Form 34D: Affidavit of Adoption Applicant(s) (page 3)

Court file number

Check applicable box.

6. ☐ I am the sole applicant for this child's adoption and if an adoption order is made, I will be the child's only legal parent.
- ☐ I am the sole applicant for this child's adoption. If an adoption order is made, I will be joining with (spouse's full legal name), who is my spouse within the meaning of Part VII of the *Child and Family Services Act*, and together, we will be the child's only legal parents.
- ☐ We are applying for this child's adoption, jointly as spouses within the meaning of Part VII of the *Child and Family Services Act*. If an adoption order is made, we will be the child's only legal parents.
7. I/We understand and appreciate the special role of an adopting parent.
8. No payment or reward of any kind was made, given, received or agreed to be made, given or received by me/us or, to the best of my/our knowledge, by any other person in connection with,
- (a) the adoption of this child;
 - (b) this child's placement for adoption;
 - (c) the giving of any consent to this child's adoption; or
 - (d) any negotiations or arrangements leading up to this child's adoption,
- except for what is permitted by the *Child and Family Services Act* and the regulations made under that Act.
9. I/We understand the nature and operation of Ontario's adoption disclosure register.
10. I/We want to bring to the court's attention the following additional facts about the child's best interests: (Give any additional facts. If you need more space, add another page.)

Put a line through any blank space left on this page.

Severally (← Delete where inappropriate.)

Sworn/Affirmed before me at
municipalityin
province, state or countryon
dateCommissioner for taking affidavits
(Type or print name below if signature is illegible.)

Signature

Signature

(This form is to be signed in front of a
lawyer, justice of the peace, notary public
or commissioner for taking affidavits.)

Court File Number

(Name of court)

**Form 34E: Director's
Consent to Adoption**

at

Court office address

Applicant(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Child

Full legal name of child:	Lawyer's name & address — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).
Birthdate:	
Sex:	

1. My name is (full legal name), and I am appointed as a Director under the *Child and Family Services Act*.
2. The child in this adoption case became a Crown ward on (date) and was placed into the care of (full legal name of children's aid society)
.....
3. There are no outstanding access orders with respect to this child
4. I consent to this child's adoption by the applicant(s).

Signature

Date of signature

Place of signature

Court File Number

(Name of court)

**Form 34F: Parent's or
Custodian's Consent
to Adoption**at _____
Court office address

1. My name is (full legal name)
I was born on (date of birth) and I live
at (municipality address)
2. The child in this case is: (Give child's full legal name and date of birth.)
3. I am a parent of the child within the meaning of Part VII of the *Child and Family Services Act* because I am (Check appropriate paragraph below.)

<input type="checkbox"/> the child's mother. <input type="checkbox"/> the child's father. <input type="checkbox"/> the person presumed to be the child's father under section 8 of the <i>Children's Law Reform Act</i> . <input type="checkbox"/> an individual having lawful custody of the child. <input type="checkbox"/> an individual who, during the 12 months before the child was placed for adoption, has demonstrated a settled intention to treat the child as a member of his/her family.	<input type="checkbox"/> an individual who, during the 12 months before the child was placed for adoption, has acknowledged parentage of the child and has provided for the child's support. <input type="checkbox"/> an individual who is required to provide for the child or who has custody of or access to the child under a written agreement or a court order. <input type="checkbox"/> an individual who has acknowledged parentage of the child under section 12 of the <i>Children's Law Reform Act</i> .
--	---
4. I understand the nature and effect of this consent. I understand that I may withdraw this consent within 21 days by filing a notice of withdrawal in writing at the children's aid society office at (municipal address)
5. I understand that, after the 21 days have passed, I may not be allowed to withdraw this consent unless I first get the court's permission, and then only if my child has not yet been placed for adoption and if I can show that it is in my child's best interests that this consent be withdrawn.
6. I understand the nature of an adoption order and that, if an adoption order is made, I will no longer be a parent of my child.
7. I understand my right to request to know and to be advised whether an adoption order has been made in respect of my child.
8. I understand the nature and operation of Ontario's adoption disclosure register and of my right and my child's right to participate in it.
9. I have had an opportunity to seek counselling with respect to this consent.
10. I have had independent legal advice with respect to this consent.

Signature of parent_____
Date of signatures_____
Signature of independent lawyer

NOTE: This consent must be witnessed by an independent lawyer who is to provide an affidavit of execution and independent legal advice on the reverse side of this form. If the person giving this consent is less than 18 years old, the consent must also be accompanied by a certificate of the Children's Lawyer in Form 34J.

Continued on other side. ➡

Form 34F: Parent's or Custodian's Consent to Adoption (page 2)

Court file number

AFFIDAVIT OF EXECUTION AND INDEPENDENT LEGAL ADVICE

My name is *(full legal name)*

and I swear/affirm that the following is true:

1. I am a member of the Bar of *(name of jurisdiction)*
and I am not acting for any other person in this adoption case.
2. I explained to *(parent's full legal name)* about
 - ☐ the nature and effect of adoption under the law of Ontario;
 - ☐ the nature and effect of this consent;
 - ☐ the circumstances under which this consent may be withdrawn;
 - ☐ the nature and operation of Ontario's adoption disclosure register; and
 - ☐ the right to counselling.
3. After my explanation, he/she told me that he/she wanted to sign this consent.
4. I was present at and witnessed the signing of this consent.

Sworn/Affirmed before me at
municipalityin
province, state or countryon
dateCommissioner for taking affidavits
(Type or print name below if signature is illegible.)

Signature

(This form is to be signed in front of a
lawyer, justice of the peace, notary
public or commissioner for taking
affidavits.)

Court File Number

(Name of court)

**Form 34G: Affidavit of
Adoption Licensee or
Society Employee**at _____
Court office address**Applicant(s)**

<i>Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).</i>	<i>Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i>

Respondent(s) [Note: In some adoption cases, there may be no formal respondent.]

<i>Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i>	<i>Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i>

My name is *(full legal name)***I live in** *(municipality & province)***and I swear/affirm that the following is true:**

1. The name of the child being placed for adoption is *(child's full legal name)*
2. I am ☐ a person licensed under Part IX of the *Child and Family Services Act* to place the child for adoption.
☐ an employee of *(full legal name of children's aid society)*
authorized to place the child for adoption.
3. I have made reasonable inquiries about the existence of any outstanding orders of custody of or access to the child.
To the best of my knowledge,
☐ there is no outstanding order.
☐ the outstanding order(s) is/are as follows: *(For each order, give the name of the court, date of order, name of judge, court file number and full legal name(s) of the person(s) given custody or access under the order.)*

Put a line through any blank space left on this page.

Continued on other side. ➡

**Form 34G: Affidavit of Adoption
Licensee or Society Employee (page 2)**

Court file number

4. I have made reasonable inquiries about the existence of any person — other than the person(s) who already filed a consent — who is a "parent" of the child within the meaning of Part VII of the *Child and Family Services Act*. To the best of my knowledge,
- ☐ there is no other "parent".
 - ☐ the other "parent(s)" is/are: *(For each person, state his or her full legal name, address and an explanation why a consent is not yet available.)*
5. I have made reasonable inquiries about the existence of any other application for the adoption of this child. To the best of my knowledge,
- ☐ there has been no other adoption application with respect to this child.
 - ☐ the details of the other adoption application(s) are as follows: *(For each application, state the name and location of the court before which the application was brought, the date of the application, the full legal name(s) of the applicant(s) and the result of the application.)*
6. I have made reasonable inquiries whether the person(s) who filed the consent(s) in this application withdrew the consent(s) or whether a court had set aside the consent(s). To the best of my knowledge,
- ☐ no consent was withdrawn or set aside.
 - ☐ the details of the withdrawal or of the setting aside are as follows: *(Specify details.)*
7. The child in this adoption case
- ☐ is 7 or more years old and I have therefore offered the child a chance to get counselling about the consent. This offer of counselling
 - ☐ was accepted and the child received counselling.
 - ☐ was turned down by the child.
 I also ensured that the child received independent legal advice from *(lawyer's name)*
 - ☐ is less than 7 years old and no counselling or independent legal advice was offered.
8. I offered the child's parent(s) a chance to get counselling about the consent and the offer
- ☐ was accepted by *(name of parent(s) who accepted offer)* and counselling was provided.
 - ☐ was turned down by *(name of parent(s) who refused offer)*

Put a line through any blank space left on this page.

Continued on next sheet. ➡

**Form 34G: Affidavit of Adoption
Licensee or Society Employee (page 3)**

Court file number

9. The parent(s) received independent legal advice from *(name of lawyer(s))*
10. To the best of my knowledge, no person has given, received or agreed to give or receive any payment or reward of any kind in connection with
- (a) the adoption of the child;
 - (b) the child's placement for adoption;
 - (c) the giving of any consent to the child's adoption; or
 - (d) any negotiations or arrangements leading up to the child's adoption,
- except for what is permitted by the *Child and Family Services Act* and the regulations made under it.

Sworn/Affirmed before me at <div style="text-align: right;"><i>municipality</i></div>	<div style="text-align: center;">Signature <i>(This form is to be signed in front of a lawyer, justice of the peace, notary public or commissioner for taking affidavits.)</i></div>
in <div style="text-align: right;"><i>province, state or country</i></div>	
on <div style="text-align: right;"><i>date</i></div>	
<div>Commissioner for taking affidavits <i>(Type or print name below if signature is illegible.)</i></div>	

Court File Number

(Name of court)

**Form 34H: Affidavit of
Adopting Relative or
Stepparent**at _____
Court office address**Applicant(s)**Full legal name & address for service — street & number, municipality,
postal code, telephone & fax and e-mail address (if any).Lawyer's name & address — street & number, municipality, postal code,
telephone & fax numbers and e-mail address (if any).**Respondent(s)** [Note: In some adoption cases, there may be no formal respondent.]Full legal name & address for service — street & number, municipality,
postal code, telephone & fax numbers and e-mail address (if any).Lawyer's name & address — street & number, municipality, postal code,
telephone & fax numbers and e-mail address (if any).**My name is** (full legal name)**I live in** (municipality & province)**and I swear/affirm that the following is true:**

1. I was born on (date of your own birth)
2. The name of the child whom I want to adopt is (child's full legal name)
3. I am the applicant in this adoption and am this child's

<input type="checkbox"/> stepparent.	<input type="checkbox"/> grandparent by blood marriage or adoption.
<input type="checkbox"/> aunt/uncle by blood marriage or adoption.	<input type="checkbox"/> great-aunt/great-uncle by blood marriage or adoption.
4. I have made reasonable inquiries about the existence of any outstanding orders of custody of or access to the child.
To the best of my knowledge,

<input type="checkbox"/> there is no outstanding order.
<input type="checkbox"/> the outstanding order(s) is/are as follows: (For each order, give the name of the court, date of order, name of judge, court file number and full legal name(s) of the person(s) given custody or access under the order.)

Put a line through any blank space left on this page.

Continued on other side. ➡

Form 34H: Affidavit of Adopting Relative or Stepparent (page 2)

Court file number

5. I have made reasonable inquiries about the existence of any person — other than the person(s) who already filed a consent — who is a "parent" of the child within the meaning of Part VII of the *Child and Family Services Act*. To the best of my knowledge,
- ☐ there is no other "parent".
 - ☐ the other "parent(s)" is/are: *(For each "parent", state his or her full legal name, address and an explanation why a consent is not yet available.)*

6. I have made reasonable inquiries about the existence of any other application for the adoption of this child. To the best of my knowledge,
- ☐ there has been no other adoption application with respect to this child.
 - ☐ the details of the other adoption application(s) are as follows: *(For each application, state the name and location of the court before which the application was brought, the date of the application, the full legal name of the applicant(s) and the result of the application.)*

7. I have made reasonable inquiries whether the person(s) who filed the consent(s) in this application withdrew the consent(s) or whether a court had set aside the consent(s). To the best of my knowledge,
- ☐ no consent was withdrawn or set aside.
 - ☐ the details of the withdrawal or of the setting aside are as follows: *(Specify details.)*

8. The child in this adoption case
- ☐ is 7 or more years old and I have therefore offered the child a chance to get counselling about the consent. This offer of counselling
 - ☐ was accepted and the child received counselling.
 - ☐ was turned down by the child.
 I also ensured that the child received independent legal advice from *(lawyer's name)*
 - ☐ is less than 7 years old and no counselling or independent legal advice was offered.

9. I offered the child's parent(s) a chance to get counselling about the consent and the offer
- ☐ was accepted by *(name of parent(s) who accepted offer)* and counselling was provided.
 - ☐ was turned down by *(name of parent(s) who refused offer)*

Put a line through any blank space left on this page.

Continued on next sheet. ➡

Form 34H: Affidavit of Adopting Relative or Stepparent (page 3)

Court file number

10. I also ensured that the parent(s) received independent legal advice from *(name of lawyer(s))*
11. To the best of my knowledge, no person has given, received or agreed to give or receive any payment or reward of any kind in connection with
- (a) the adoption of the child;
 - (b) the child's placement for adoption;
 - (c) the giving of any consent to the child's adoption; or
 - (d) any negotiations or arrangements leading up to the child's adoption,
- except for what is permitted by the *Child and Family Services Act* and the regulations made under it.

Sworn/Affirmed before me at
municipalityin
province, state or countryon
dateCommissioner for taking affidavits
(Type or print name below if signature is illegible.)

Signature

(This form is to be signed in front of a
lawyer, justice of the peace, notary public
or commissioner for taking affidavits.)

Court File Number

(Name of court)

**Form 34I: Parent's
Consent to Adoption by
Spouse**

at _____
Court office address

Applicant(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Respondent(s) [Note: In some adoption cases, there may be no formal respondent.]

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

1. My name is (full legal name)
I was born on (date of birth) and I live
at (municipality address)
2. The applicant is my "spouse" within the meaning of Part VII of the *Child and Family Services Act*.
3. I am the child's parent within the meaning of Part VII of the *Child and Family Services Act* because I am (Check appropriate paragraph below.)

<input type="checkbox"/> the child's mother. <input type="checkbox"/> the child's father. <input type="checkbox"/> the person presumed to be the child's father under section 8 of the <i>Children's Law Reform Act</i> . <input type="checkbox"/> an individual having lawful custody of the child. <input type="checkbox"/> an individual who, during the 12 months before the child was placed for adoption, has demonstrated a settled intention to treat the child as a member of his/her family.	<input type="checkbox"/> an individual who, during the 12 months before the child was placed for adoption, has acknowledged parentage of the child and has provided for the child's support. <input type="checkbox"/> an individual who is required to provide for the child or who has custody of or access to the child under a written agreement or a court order. <input type="checkbox"/> an individual who has acknowledged parentage of the child under section 12 of the <i>Children's Law Reform Act</i> .
--	---
4. I consent to the adoption of (child's full legal name)
by my spouse.
5. I understand the nature and effect of this consent. I understand that I may withdraw this consent within 21 days by filing a notice of withdrawal in writing at the children's aid society office at (municipal address)
6. I understand that, after the 21 days have passed, I may not be allowed to withdraw this consent unless I first get the court's permission, and then only if my child has not yet been placed for adoption and if I can show that it is in my child's best interests that this consent be withdrawn.

Continued on other side. ➡

Form 34I: Parent's Consent to Adoption by Spouse (page 2)

Court file number

7. I understand the nature of an adoption order. I understand that, if an adoption order were made, my spouse would be joining me in the role of a parent and, together, we would be the child's only legal parents. An adoption order would require me to share my parental rights and responsibilities with my spouse equally and permanently until a court ordered otherwise.
8. I had a chance to seek counselling with respect to this consent.
9. I have had independent legal advice with respect to this consent.

*Signature of parent*_____
*Date of signatures*_____
Signature of independent lawyer

NOTE: This consent must be witnessed by an independent lawyer who is to provide an affidavit of execution and independent legal advice below. If the person giving this consent is less than 18 years old, the consent must also be accompanied by a certificate of the Children's Lawyer in Form 34J.

AFFIDAVIT OF EXECUTION AND INDEPENDENT LEGAL ADVICEMy name is *(full legal name)*

and I swear/affirm that the following is true:

1. I am a member of the Bar of *(name of jurisdiction)*
and I am not acting for any other person in this adoption case.
2. I explained to *(parent's full legal name)* about
☐ the nature and effect of adoption under the law of Ontario;
☐ the nature and effect of this consent;
☐ the circumstances under which this consent may be withdrawn;
☐ the nature and operation of Ontario's adoption disclosure register; and
☐ the right to counselling.
3. After my explanation, he/she told me that he/she wanted to sign this consent.
4. I was present at and witnessed the signing of this consent.

Sworn/Affirmed before me at
municipalityin
province, state or countryon
date

Commissioner for taking affidavits
(Type or print name below if signature is illegible.)

Signature
(This form is to be signed in front of a lawyer, justice of the peace, notary public or commissioner for taking affidavits.)

Court File Number

(Name of court)

at

Court office address

**Form 34J: Affidavit of
Execution and
Independent Legal
Advice (Children's Lawyer)**

My name is (full legal name)

and I swear/affirm that the following is true:

1. I am an authorized representative of the Office of the Children's Lawyer in the adoption of:

Full legal name of child(ren)	Date of birth (d,m,y)

2. I explained to (minor parent's full legal name) about
- ☐ the nature and effect of adoption under the law of Ontario;
 - ☐ the nature and effect of a consent to adoption;
 - ☐ the right to counselling;
 - ☐ the nature and operation of Ontario's adoption disclosure register; and
 - ☐ the right upon request to be advised whether an adoption order has been made,
- in language appropriate to his/her age to the best of my knowledge and skills.
3. I also explained that he/she could withdraw the consent within 21 days by a written notice. I gave him/her the address of the children's aid society office where the written notice would have to be filed. I also explained that, after the 21 days had passed, he/she could withdraw the consent only with the court's permission but only if the child had not yet been adopted and if he/she could convince the court that it would be in the child's best interests to have the consent withdrawn.
4. After my explanation, he/she told me that he/she wanted to sign the consent to adoption.
5. I was present at and witnessed the signing of the consent.

Sworn/Affirmed before me at
municipality

in
province, state or country

on
date

Commissioner for taking affidavits
(Type or print name below if signature is illegible.)

Signature

(This form is to be signed in front of a
lawyer, justice of the peace, notary public
or commissioner for taking affidavits.)

Court File Number

(Name of court)

**Form 34K: Certificate of
Clerk (Adoption)**

at

Court office address

Applicant(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Respondent(s) (Note: In some adoption cases, there may be no formal respondent.)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

If the appropriate box on the left cannot be checked, check the box on the right margin and describe the deficiency by the box
The clerk of the court certifies as follows:

Deficiency

1. MATERIAL COMMON TO ALL ADOPTION CASES

- | | | |
|-----|---|-------------------------------|
| (a) | <input type="checkbox"/> An application for adoption (Form 8D in <i>Family Law Rules</i>) has been filed. | 1(a) <input type="checkbox"/> |
| (b) | <input type="checkbox"/> A certified copy of the statement of live birth has been filed (Form 2 in regulation under <i>Vital Statistics Act</i>).
<input type="checkbox"/> A certified copy of a change of birth registration has been filed (Form 2 in regulation under <i>Vital Statistics Act</i>).
<input type="checkbox"/> Equivalent proof of details of birth has been filed. | 1(b) <input type="checkbox"/> |
| (c) | <input type="checkbox"/> The person to be adopted is 7 years of age or over and has filed a consent to adoption (Form 34 in <i>Family Law Rules</i>).
<input type="checkbox"/> A court order dispensing with the consent of the person to be adopted has been filed. | 1(c) <input type="checkbox"/> |
| (d) | <input type="checkbox"/> An affidavit of parentage has been filed (Form 34A in <i>Family Law Rules</i>).
<input type="checkbox"/> Other evidence of who is or is not a "parent" has been filed. | 1(d) <input type="checkbox"/> |
| (e) | <input type="checkbox"/> A report on the child's adjustment in the applicant's home: <ul style="list-style-type: none"> <input type="checkbox"/> is required by the Act (where a child had been "placed" for adoption through a licensee, a society or otherwise). That report has been filed. <input type="checkbox"/> had been ordered by the court in the case of an adoption by a stepparent or relative. That report has been filed. <input type="checkbox"/> has not been required in this case. | 1(e) <input type="checkbox"/> |
| (f) | <input type="checkbox"/> The applicant has a "spouse" who is not a "parent" and who has not joined in the application. That spouse's consent (Form 34B in <i>Family Law Rules</i>) has been filed.
<input type="checkbox"/> A court order dispensing with the spouse's consent has been filed, together with, <ul style="list-style-type: none"> (i) <input type="checkbox"/> proof of service of this order. (ii) <input type="checkbox"/> a certified copy of an order dispensing with service. | 1(f) <input type="checkbox"/> |

Continued on other side. ➡

		Deficiency
(g)	<input type="checkbox"/> The Director's or local director's statement (with recommendations) on the adoption (Form 34C in <i>Family Law Rules</i>): <div><input type="checkbox"/> is required by the Act (where a child had been "placed" for adoption through a licensee, a society or otherwise). That statement has been filed. <input type="checkbox"/> had been ordered by the court in the case of an adoption by a stepparent or relative. That statement has been filed. <input type="checkbox"/> has not been required in this case.</div>	1(g) <input type="checkbox"/>
(h)	<input type="checkbox"/> The affidavit of the adopting parent (Form 34D in <i>Family Law Rules</i>) has been filed.	1(h) <input type="checkbox"/>
(i)	<input type="checkbox"/> A draft adoption order (Form 25C in <i>Family Law Rules</i>) has been filed.	1(i) <input type="checkbox"/>
(j)	<input type="checkbox"/> This is a joint application by spouses and <div><input type="checkbox"/> a certificate of the applicants' marriage has been filed. <input type="checkbox"/> other proof of the applicants' spousal status has been filed.</div>	1(j) <input type="checkbox"/>
(k)	<input type="checkbox"/> (Other. Specify)	1(k) <input type="checkbox"/>
2. ADDITIONAL MATERIAL FOR CROWN WARDSHIP ADOPTIONS		
(a)	<input type="checkbox"/> The Director's consent to adoption (Form 34E in <i>Family Law Rules</i>) has been filed.	2(a) <input type="checkbox"/>
(b)	<input type="checkbox"/> There is no outstanding access order with respect to this Crown ward. <input type="checkbox"/> A certified copy of an order terminating access to this Crown ward has been filed, together with, <div><input type="checkbox"/> proof of service of this order. <input type="checkbox"/> a certified copy of an order dispensing with service.</div>	2(b) <input type="checkbox"/>
(c)	<input type="checkbox"/> A certified copy of the Crown wardship order has been filed together with, <div><input type="checkbox"/> proof of service of this order. <input type="checkbox"/> a certified copy of an order dispensing with service.</div>	2(c) <input type="checkbox"/>
(d)	<input type="checkbox"/> An affidavit from the local director has been filed, stating that no appeal of the orders mentioned in clauses (b) and (c) above had been launched or that the appeal period had expired.	2(d) <input type="checkbox"/>
(e)	<input type="checkbox"/> (Other. Specify)	2(e) <input type="checkbox"/>
3. ADDITIONAL MATERIAL FOR NON-WARD ADOPTION THROUGH LICENSEE OR SOCIETY		
(a)	<input type="checkbox"/> The child has been placed by a children's aid society. <input type="checkbox"/> The child has been placed by a licensee within the time frame allowed by his/her licence, a copy of which has been filed.	3(a) <input type="checkbox"/>
(b)	<input type="checkbox"/> An affidavit (Form 34G in <i>Family Law Rules</i>) of the licensee or of an authorized employee of the children's aid society has been filed.	3(b) <input type="checkbox"/>
(c)	<input type="checkbox"/> The person filing the affidavit knows of no custody or access order involving the child. <input type="checkbox"/> Certified copy/copies of the custody or access order(s) involving the child has/have been filed together with, <div><input type="checkbox"/> proof of service of this order. <input type="checkbox"/> a certified copy of an order dispensing with service.</div>	3(c) <input type="checkbox"/>

Form 34K: Certificate of Clerk (Adoption) (page 3)

Court file number

		Deficiency
(d)	<input type="checkbox"/> A consent (Form 34F in <i>Family Law Rules</i>) to adoption from the child's mother has been filed. <input type="checkbox"/> The consent, which was signed by the mother when she was under 18 years of age, is accompanied by a certificate of the Children's Lawyer (Form 34J in <i>Family Law Rules</i>). <input type="checkbox"/> The child's mother has filed a form of consent from outside Ontario that is accompanied by: (i) <input type="checkbox"/> a certified translation of the document into English/French. (ii) <input type="checkbox"/> a lawyer's affidavit that the mother's consent complies with the laws of the place where the mother made it. <input type="checkbox"/> A certified copy of an order dispensing with the mother's consent has been filed, together with proof of service of the order.	3(d) <input type="checkbox"/>
(e)	<input type="checkbox"/> A consent (Form 34F in <i>Family Law Rules</i>) to adoption from the child's biological father has been filed. <input type="checkbox"/> The consent, which was signed by the father when he was under 18 years of age, is accompanied by a certificate of the Children's Lawyer (Form 34J in <i>Family Law Rules</i>). <input type="checkbox"/> The child's biological father has filed a form of consent from outside Ontario that is accompanied by: (i) <input type="checkbox"/> a certified translation of the document into English/French. (ii) <input type="checkbox"/> a lawyer's affidavit that the biological father's consent complies with the laws of the place where the biological father made it. <input type="checkbox"/> A certified copy of an order dispensing with the biological father's consent has been filed, together with proof of service of the order. <input type="checkbox"/> The court has ruled that the biological father does not have the status of "parent" under Part VII of the <i>Child and Family Services Act</i> .	3(e) <input type="checkbox"/>
(f)	<input type="checkbox"/> A consent (Form 34F in <i>Family Law Rules</i>) to adoption from any other person who is a "parent" under Part VII of the <i>Child and Family Services Act</i> has been filed. <input type="checkbox"/> The consent, which was signed by the other "parent" when he/she was under 18 years of age, is accompanied by a certificate of the Children's Lawyer (Form 34J in <i>Family Law Rules</i>). <input type="checkbox"/> This other "parent" has filed a form of consent from outside Ontario that is accompanied by: (i) <input type="checkbox"/> a certified translation of the document into English/French. (ii) <input type="checkbox"/> a lawyer's affidavit that the other "parent's" consent complies with the laws of the place where the other "parent" made it. <input type="checkbox"/> A certified copy of an order dispensing with the other "parent's" consent has been filed, together with proof of service of the order.	3(f) <input type="checkbox"/>
(g)	<input type="checkbox"/> (Other. Specify)	3(g) <input type="checkbox"/>

4. ADDITIONAL MATERIAL FOR ADOPTION BY RELATIVE OR STEPPARENT

- | | | |
|-----|--|-------------------------------|
| (a) | <input type="checkbox"/> There are no custody or access order involving the child.
<input type="checkbox"/> Certified copy/copies of the custody or access order(s) involving the child has/have been filed together with,
(i) <input type="checkbox"/> proof of service of this order.
(ii) <input type="checkbox"/> a certified copy of an order dispensing with service. | 4(a) <input type="checkbox"/> |
|-----|--|-------------------------------|

Continued on other side. ➡

Form 34K: Certificate of Clerk (Adoption) (page 4)

Court file number

		<i>Deficiency</i>
(b)	<input type="checkbox"/> A consent (Form 34F in <i>Family Law Rules</i>) to adoption from the child's mother has been filed. <input type="checkbox"/> The consent, which was signed by the mother when she was under 18 years of age, is accompanied by a certificate of the Children's Lawyer (Form 34J in <i>Family Law Rules</i>). <input type="checkbox"/> The child's mother has filed a form of consent from outside Ontario that is accompanied by: (i) <input type="checkbox"/> a certified translation of the document into English/French. (ii) <input type="checkbox"/> a lawyer's affidavit that the mother's consent complies with the laws of the place where the mother made it. <input type="checkbox"/> A certified copy of an order dispensing with the mother's consent has been filed, together with proof of service of the order.	4(b) <input type="checkbox"/>
(c)	<input type="checkbox"/> A consent (Form 34F in <i>Family Law Rules</i>) to adoption from the child's biological father has been filed. <input type="checkbox"/> The consent, which was signed by the father when he was under 18 years of age, is accompanied by a certificate of the Children's Lawyer (Form 34J in <i>Family Law Rules</i>). <input type="checkbox"/> The child's biological father has filed a form of consent from outside Ontario that is accompanied by: (i) <input type="checkbox"/> a certified translation of the document into English/French. (ii) <input type="checkbox"/> a lawyer's affidavit that the biological father's consent complies with the laws of the place where the biological father made it. <input type="checkbox"/> A certified copy of an order dispensing with the biological father's consent has been filed, together with proof of service of the order. <input type="checkbox"/> The court has ruled that the biological father does not have the status of "parent" under Part VII of the <i>Child and Family Services Act</i> .	4(c) <input type="checkbox"/>
(d)	<input type="checkbox"/> A consent (Form 34F in <i>Family Law Rules</i>) to adoption from any other person who is a "parent" under Part VII of the <i>Child and Family Services Act</i> has been filed. <input type="checkbox"/> The consent, which was signed by the other "parent" when he/she was under 18 years of age, is accompanied by a certificate of the Children's Lawyer (Form 34J in <i>Family Law Rules</i>). <input type="checkbox"/> This other "parent" has filed a form of consent from outside Ontario that is accompanied by: (i) <input type="checkbox"/> a certified translation of the document into English/French. (ii) <input type="checkbox"/> a lawyer's affidavit that the other "parent's" consent complies with the laws of the place where the other "parent" made it. <input type="checkbox"/> A certified copy of an order dispensing with the other "parent's" consent has been filed, together with proof of service of the order.	4(d) <input type="checkbox"/>
(e)	<input type="checkbox"/> The affidavit (Form 34H in <i>Family Law Rules</i>) of the stepparent or of each adopting relative has been filed.	4(e) <input type="checkbox"/>
(f)	<input type="checkbox"/> This is a stepparent adoption and the spouse of the adopting stepparent has filed a consent (Form 34I in <i>Family Law Rules</i>).	4(f) <input type="checkbox"/>
(g)	<input type="checkbox"/> (Other. Specify)	4(g) <input type="checkbox"/>

Signature of clerk of the court

Date of signature

Court File Number

(Name of court)

**Form 36: Affidavit
for Divorce**

at

Court office address

Applicant

Full legal name & address for service — street & number, municipality, postal code, telephone & fax and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Respondent(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

My name is (full legal name)**I live in** (municipality & province)**and I swear/affirm that the following is true:**

1. I am the applicant in this divorce case.
2. There is no chance of a reconciliation between the respondent and me.
3. All the information in the application in this case is correct, except: (State any corrections or changes to the information in the application. Write "NONE" if there are no corrections or changes.)
4. ☐ The certificate or registration of my marriage to the respondent has been signed and sealed by the Registrar General of Ontario and
 - ☐ has been filed with the application.
 - ☐ is attached to this affidavit.☐ The certificate of my marriage to the respondent was issued outside Ontario. It is called (title of certificate) It was issued at (place of issue) on (date) by (name and title of person who issued certificate) and the information in it about my marriage is correct.
 - ☐ I have not been able to get a certificate or registration of my marriage. I was married to the respondent on (date) at (place of marriage) The marriage was performed by (name and title) who had the authority to perform marriages in that place.
5. The legal basis for the divorce is:
 - ☐ that the respondent and I have been separated for at least one year. We separated on (date)
 - ☐ (Other. Specify.)

Continued on other side. ➡

6. I do not know about and I am not involved in any arrangement to make up or to hide evidence or to deceive the court in this divorce case.

Strike out the following paragraphs if they do not apply.

7. I do not want to make a claim for a division of property in this divorce case, even though I know that it may be legally impossible to make such a claim after the divorce.
8. I want the divorce order to include the following paragraph numbers of the attached consent, settlement, separation agreement or previous court order: *(List the numbers of the paragraphs that you want included in the divorce order.)*

9. There are (number) children of the marriage. They are:

Full legal name of child	Birthdate (d,m,y)

10. The custody and access arrangements for the child(ren) are as follows: *(Give summary.)*

.....

.....

.....

.....

.....

.....

.....

.....

11. These are the arrangements that have been made for the support of the child(ren) of the marriage:
- (a) The income of the party paying child support is \$ per year.
- (b) The number of children for whom support is supposed to be paid is *(number)*
- (c) The amount of support that should be paid according to the applicable table in the child support guidelines is \$ per month.
- (d) The amount of child support actually being paid is \$ per month.
- (NOTE:— Where the dollar amounts in clauses (c) and (d) are different, you must fill out the frame on the next page. If the amounts in clauses (c) and (d) are the same, skip the frame and go directly to paragraph 12.)*

Form 36: Affidavit for Divorce (page 3)

Court file number

(Paragraph 11 continued.)

Fill out the information in this frame only if the amounts in paragraphs 11(c) and 11(d) are different. If they are the same, go to paragraph 12.

(a) Child support is already covered by:

- (i) ☐ a court order dated (date) that was made before the child support guidelines came into effect (before 1 May 1997). I attach a copy of the order
- (ii) ☐ a domestic contract order dated (date) that was made before the child support guidelines came into effect (before 1 May 1997). I attach a copy of the contract
- (iii) ☐ a court order or written agreement dated (date) made after the guidelines came into effect that has some direct or indirect benefits for the child(ren). I attach a copy.
- (iv) ☐ a written consent between the parties dated (date) agreeing to the payment of an amount different from that set out in the guidelines.

(b) The child support clauses of this order or agreement require payment of \$ per in child support.

- (c) These child support clauses ☐ are not indexed for any automatic cost-of-living increases.
☐ are indexed according to (Give indexing formula)

- (d) These child support clauses ☐ have not been changed since the day the order or agreement was made.
☐ have been changed on (Give dates and details of changes)

(e) (If you ticked off box (i) above, you can go to paragraph 12. If you ticked off boxes (ii), (iii) or (iv) above, then fill out the information after box of the corresponding number below. For example, if you ticked off box (iii) above, you would fill out the information alongside box (iii) below.)

- (ii) ☐ The amount being paid under this agreement is a fair and reasonable arrangement for the support of the child(ren) because: (Give reasons.)
- (iii) ☐ The order or agreement directly or indirectly benefits the child(ren) because: (Give details of benefits.)
- (iv) ☐ The amount to which the parties have consented is reasonable for the support of the child(ren) because: (Give reasons.)

Continued on other side. ➡

Form 36: Affidavit for Divorce (page 4)

Court file number

12. I am claiming costs in this case. The details of this claim are as follows: (Give details.)

13. The respondent's address last known to me is: (Give address.)

Put a line through any blank space left on this page.

Sworn/Affirmed before me at
municipality

in
province, state or country

on date *Commissioner for taking affidavits*
(Type or print name below if signature is illegible.)

Signature

(This form is to be signed in front of a lawyer, justice of the peace, notary public or commissioner for taking affidavits.)

Court File Number

(Name of court)

**Form 36A: Certificate
of Clerk (Divorce)**

at

Court office address

Applicant's

last name:

Respondent's

last name:

If the appropriate box on the left cannot be checked, check the box on the right margin and describe the deficiency by that box
The clerk of the court certifies as follows:

Check if applicable and complete the rest
of the certificate as if the divorce had
been claimed by the applicant.

☐ Divorce claimed only by the respondent.

1. PRELIMINARY

Deficiency

- (a) ☐ No answer filed 1(a) ☐
☐ Answer was withdrawn — Continuing record tab/page number
☐ Order dated, under subrule 12(6), splitting divorce
from rest of the case — Continuing record tab/page number
☐ Answer struck out by order dated — Continuing record
tab/page number
☐ Joint application — no respondent
(b) ☐ Clearance certificate from Central Divorce Registry 1(b) ☐

2. PROOF OF SERVICE2 ☐

- ☐ Affidavit of service
☐ Person's lawyer accepted service
☐ Joint application — no service necessary

3. METHOD OF SERVICE3 ☐

- ☐ Left copy with person to be served
☐ Left copy with person's lawyer
☐ Mailed copy to person and received acknowledgement signed by person
☐ Left copy at person's residence with adult resident and mailed another copy
☐ Signed acknowledgement of service filed
☐ (Other. Specify.)

Service took place in (province or country)

Service was carried out on (date)

4. GROUNDS FOR DIVORCE4 ☐

- ☐ Separation since (date), affidavit
sworn more than one year after separation.
☐ Adultery
☐ Cruelty

5. ONTARIO RESIDENCE5 ☐

Application should indicate that at least one spouse must have been Ontario resident for at least a year.

- ☐ Wife resident in Ontario since (date)
☐ Husband resident in Ontario since (date)

6. CLAIMS6 ☐

- ☐ Only claim for divorce
☐ Claim for child support [details in part 8 above]
☐ Claim for custody/access — details in application
☐ Claim for spousal support — details in application
☐ Claim for property — details in application
☐ Claim to include provisions of consent, agreement or previous court order — details in
application
☐ costs

Continued on other side. ➡

Form 36A: Certificate of Clerk (Divorce) (page 2)

Court file number

Deficiency

7. PROOF OF MARRIAGE

7 ☐

- Marriage took place ☐ in Canada ☐ outside Canada
- ☐ Marriage certificate or registration of marriage filed — details agree with those in application — Continuing record tab/page number
- ☐ No certificate — details of marriage set out in affidavit — Continuing record tab/page number
- ☐ Previous divorce or death certificate filed — Continuing record tab/page number

8. AFFIDAVITS

8 ☐

- ☐ Applicant's affidavit — Continuing record tab/page number
- ☐ Respondent's affidavit — Continuing record tab/page number
- ☐ Affidavit of (name)
— Continuing record tab/page number
- ☐ Affidavit complies with Form 35 and is properly completed — Continuing record tab/page number

9. CHILDREN

9 ☐

- ☐ No children of the marriage
- ☐ There are children of the marriage
- ☐ Child support guidelines information supplied — Continuing record tab/page number .
.....
- ☐ payor's income
- ☐ table amount
- ☐ recipient's income [REQUIRED for special expenses (add-ons), split custody, shared custody,
payor is stepparent, child over 18, payor's income more than \$150,000, claim of undue hardship]
- ☐ details of special expenses (add-ons)
- ☐ agreement/consent with explanation for claim less than table amount

10. DRAFT ORDER

10 ☐

The following material has been filed:

- ☐ 3 copies of draft order — no support claimed
- ☐ 4 copies of draft order + 2 drafts of support deduction order — support claimed
- ☐ Stamped envelope for each party
- ☐ Address for service of order on respondent is same as
- ☐ on application
- ☐ on documents filed by respondent
- ☐ in applicant's affidavit
- ☐ Draft order in same terms as application
- ☐ Draft order in same terms as consent, minutes of settlement, or agreement filed —
Continuing record tab/page number
- ☐ Request for early effective date for divorce; agreements and undertakings filed not to
appeal — Continuing record tab/page number

11. NOTICE TO APPLICANT

11 ☐

- ☐ Applicant notified of deficiencies but requests to submit papers to judge despite them.

Signature of clerk of the court

Date of signature



(Name of court)

Court File Number

at _____
Court office address

Form 36B: Certificate
of Divorce

Applicant

<p><i>Full legal name & address for service — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p>	<p><i>Lawyer's name & address — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p>
--	--

Respondent(s)

<p><i>Full legal name & address for service — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p>	<p><i>Lawyer's name & address — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p>
--	--

I CERTIFY THAT the marriage of *(full legal names of the spouses)*

that was solemnized at *(place of marriage)*

on *(date of marriage)*

was dissolved by an order of this court made on *(date of divorce order)*

The divorce took effect on *(date when order took effect)*

Signature of clerk of the court

Date of signature

NOTE: This certificate can only be issued on or after the date on which the divorce takes effect.



(Name of court)

Court File Number

at _____
Court office address

**Form 37: Notice of
Confirmation Hearing**

Applicant(s)

Full legal name & address for service — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Respondent(s)

Full legal name & address for service — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

TO THE RESPONDENT(S):

THE COURT WILL HOLD A HEARING on (date)
at a.m./p.m., or as soon as possible after that time at (place of hearing)

A provisional ☐ order ☐ change of an order
has been made against you ☐ in another part of Ontario ☐ outside Ontario
requiring you to pay support. The details are set out in the attached materials.

Within 10 days of getting this notice, you must fill out and file a financial statement (Form 13) with the court office.

At the hearing, the court will confirm the provisional order unless you convince the court that it should not be confirmed or that it should be confirmed in another amount. You may come to court with your own lawyer.

IF YOU DO NOT COME TO THE HEARING, THE COURT MAY CONFIRM THE PROVISIONAL ORDER WITHOUT YOU AND ENFORCE IT AGAINST YOU.

Signature of clerk of the court

Date of signature

NOTE: If the provisional order was made in another part of Ontario, a copy of the application should be attached to this notice, along with a copy of the applicant's financial statement, a copy of the provisional order and a copy of the transcript of the applicant's evidence. Also attached to this notice should be a blank Form 13 (*Financial Statement*) that you must fill out, serve and file. You may use any type of service allowed in rule 6 of the *Family Law Rules*, including mail, courier or fax.

If any of these documents is missing, you should talk to the court office as soon as possible.



_____ Court File Number

 (Name of court)
 at _____

 Court office address

**Form 37A: Information
 Sheet (Confirmation
 Hearing)**

Applicant(s)

<p><i>Full legal name & address for service — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p>	<p><i>Lawyer's name & address — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p>
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Respondent(s)

<p><i>Full legal name & address for service — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p>	<p><i>Lawyer's name & address — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p>
--	--

TO THE APPLICANT(S):

The respondent(s) was/were served with a notice of confirmation hearing.

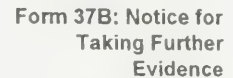
A copy of this notice is attached to this sheet. It is being sent to you **FOR YOUR INFORMATION ONLY.**

THERE IS NO NEED FOR YOU TO COME TO THIS CONFIRMATION HEARING OR TO HAVE A LAWYER THERE TO ARGUE YOUR CASE FOR YOU.

You will be told about what happens at the confirmation hearing through the court office in your own area. If you have any questions, you should talk to your own lawyer or to the court office in your area.

Signature of clerk of the court

Date of signature



Lawyer's name & address — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).



(Name of court)

Court File Number

at

Court office address

**Form 37C: Notice of
Continuation of
Confirmation Hearing**

Applicant(s)

Full legal name & address for service — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Respondent(s)

Full legal name & address for service — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

TO THE RESPONDENT(S):

THE COURT WILL HOLD A HEARING on (date)
at a.m./p.m., or as soon as possible after that time at: (place of hearing)

The case before this court

- ☐ to confirm a provisional order/variation made by (name of originating court)
..... ON (date of order)
- ☐ to review an order made by the (name of originating court)
..... ON (date of order)

was adjourned on (date of adjournment order)
so that the case could be sent to the originating court for further evidence.

The originating court has now sent to this court additional evidence, a copy of which is attached. This court will therefore continue this case at the time and place shown above. You may bring your own lawyer.

IF YOU DO NOT COME TO THE HEARING, THE COURT MAY:

- ☐ **CONFIRM THE PROVISIONAL ORDER/VARIATION WITHOUT YOU AND ENFORCE IT AGAINST YOU.**
- ☐ **DISMISS YOUR APPLICATION FOR VARIATION.**
- ☐ **ORDER YOU TO PAY THE COSTS.**

Signature of clerk of the court

Date of signature

NOTE: A copy of the applicant's further evidence taken before the originating court should be attached to this notice. If it is missing, you should talk to the court office immediately.



(Name of court)

Court File Number

at _____
Court office address

**Form 37D: Notice of
Registration of
Final Order**

Applicant(s)

<p><i>Full legal name & address for service — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p>	<p><i>Lawyer's name & address — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p>
--	--

Respondent(s)

<p><i>Full legal name & address for service — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p>	<p><i>Lawyer's name & address — street and number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p>
--	--

TO THE RESPONDENT(S):

The (name of court)
at (place where court presides)
has asked the courts in Ontario to enforce ☐ an order for the payment of support for dependants.
☐ the support provisions of a written agreement between you and the applicant(s).

This order/agreement has been registered with this Ontario court on (date of registration)
under the *Reciprocal Enforcement of Support Orders Act*.

If you have reason to believe that:

- (a) the order/agreement was obtained by fraud;
- (b) the order/agreement was obtained by error; or
- (c) the order is not a final order.

you may make a motion to have the registration set aside, but you must do so within one month after receiving this notice. You must mail notice of your own motion to the reciprocity office of the Ministry of the Attorney General for Ontario at (address)

You may use any method of service set out in rule 6 of the *Family Law Rules*, including mail, courier or fax.

If you choose not to challenge the registration, the order/agreement will be enforced against you as if it were an order of an Ontario court. You have the right at any time to apply for a provisional variation of this order/agreement if there has been a material change in circumstances since the making of the order/agreement.

Signature of clerk of the court

Date of signature

Court File Number

(Name of court)

**Form 38: Notice
of Appeal**

at

Court office address

Applicant(s)Check the appropriate box: ☐ Appellant ☐ Respondent in this appealFull legal name & address for service — street & number, municipality,
postal code, telephone & fax and e-mail address (if any).Lawyer's name & address — street & number, municipality, postal code,
telephone & fax numbers and e-mail address (if any).**Respondent(s)**Check the appropriate box: ☐ Appellant ☐ Respondent in this appealFull legal name & address for service — street & number, municipality,
postal code, telephone & fax numbers and e-mail address (if any).Lawyer's name & address — street & number, municipality, postal code,
telephone & fax numbers and e-mail address (if any).

My name is: (name of party making this appeal)

I APPEAL TO THE (name of court)

at (municipality)

from the following order or decision:

Date of order:

Name of court that made it:

Name of judge who made it:

Place where it was made:

It was: ☐ a final order. ☐ a temporary order.

I ask that this order be set aside and that an order be made as follows: (Set out briefly the order that you want the appeal court to make.)

Continued on other side. ➡

Form 38: Notice of Appeal (page 2)

Court file number

The legal grounds for my appeal are: *(Set out in numbered paragraphs the legal basis of your appeal.)*

Draw a line through any blank space on this page.

NOTE: You have 30 days to serve this notice on the other parties in the case and you must file it with the clerk of the appeal court with proof of service (Form 6B) within 10 days after that.

Signature

Date of signature

Court File Number

(Name of court)

**Form 39: Notice of
Approaching Dismissal**at _____
Court office address**Applicant(s)**Full legal name & address for service — street & number, municipality,
postal code, telephone & fax and e-mail address (if any).Lawyer's name & address — street & number, municipality, postal code,
telephone & fax numbers and e-mail address (if any).**Respondent(s)**Full legal name & address for service — street & number, municipality,
postal code, telephone & fax numbers and e-mail address (if any).Lawyer's name & address — street & number, municipality, postal code,
telephone & fax numbers and e-mail address (if any).**TO ALL PARTIES:****THE CLERK OF THE COURT WILL DISMISS THIS CASE WITHOUT FURTHER NOTICE** unless, within 30 days after service of this notice, one of the parties:

- (a) files an agreement signed by all parties and their lawyers, if any, for a final order disposing of all the issues in this case;
- (b) arranges a case conference or settlement conference for the first available date; or
- (c) obtains an order from a judge scheduling the case for trial or extending the time for scheduling it for trial.

This notice is sent under subrule 39(11) of the *Family Law Rules*._____
Signature of clerk of the court_____
Date of signature

Numéro de dossier du greffe

(Nom du tribunal)

**Formule 4 : Avis de
changement de
représentation**situé(e) au _____
Adresse du greffe**Requérant(e)(s)**

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Intimé(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

**À TOUTES LES PARTIES ET À LEURS AVOCATS
DE (nom)**

Nom, adresse, numéros de téléphone et de télécopieur et adresse électronique

- ☐ J'ai choisi un(e) nouvel(le) avocat(e). Voir les précisions dans la boîte ci-contre. →
- ☐ J'ai décidé de me présenter au tribunal sans avocat. Les documents peuvent m'être signifiés à l'adresse figurant dans la boîte ci-contre. →
- ☐ J'ai obtenu la permission du tribunal de me faire représenter par une personne qui n'est pas un avocat. Voir la boîte ci-contre. Une copie de l'ordonnance du tribunal m'accordant la permission est jointe au présent avis.

Signature

Date de la signature

- REMARQUE :**
1. Vous devez signifier le présent avis aux avocats de toutes les autres parties. Si une autre partie n'a pas d'avocat, vous devez le signifier à la partie. Si vous avez été représenté(e) par un avocat ou une autre personne qui, en raison du présent avis, ne vous représentera plus, vous devez également le lui signifier.
 2. Vous pouvez procéder à la signification par toute méthode énoncée à la règle 6 des Règles en matière de droit de la famille, y compris par la poste, par messagerie et par télécopie.
 3. Après avoir signifié le présent avis, vous devez le déposer auprès du greffier du tribunal accompagné d'une preuve de sa signification (formule 6B).

<p style="text-align: center;">_____ (Nom du tribunal)</p> <p style="text-align: right;">Numéro de dossier du greffe</p> <p style="text-align: center;">Formule 6 : Accusé de réception de la signification</p> <p>situé(e) au _____ Adresse du greffe</p> <p><i>Veillez remplir et signer la présente carte et la mettre à la poste immédiatement. Si vous ne la retournez pas, le ou les documents énumérés ci-dessous peuvent vous être signifiés à personne et il peut vous être ordonné de payer les frais de la signification.</i></p> <p>Je m'appelle : (nom et prénom officiels) Les documents peuvent m'être signifiés au : (adresse où les documents de procédure peuvent vous être envoyés)</p> <p>J'accuse réception d'une copie du ou des documents suivants :</p> <table style="width: 100%;"> <tr> <td><input type="checkbox"/> Demande datée du</td> <td><input type="checkbox"/> Avis de motion daté du</td> </tr> <tr> <td><input type="checkbox"/> Exemplaire de la formule de demande</td> <td><input type="checkbox"/> État des sommes dues daté du</td> </tr> <tr> <td><input type="checkbox"/> État financier daté du</td> <td><input type="checkbox"/> (Autre. Donnez le titre et la date du document.)</td> </tr> <tr> <td><input type="checkbox"/> Exemplaire de la formule d'état financier</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Défense datée du</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Exemplaire de la formule de défense</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Affidavit de (nom)</td> <td></td> </tr> <tr> <td><input type="checkbox"/> daté du</td> <td></td> </tr> </table>	<input type="checkbox"/> Demande datée du	<input type="checkbox"/> Avis de motion daté du	<input type="checkbox"/> Exemplaire de la formule de demande	<input type="checkbox"/> État des sommes dues daté du	<input type="checkbox"/> État financier daté du	<input type="checkbox"/> (Autre. Donnez le titre et la date du document.)	<input type="checkbox"/> Exemplaire de la formule d'état financier		<input type="checkbox"/> Défense datée du		<input type="checkbox"/> Exemplaire de la formule de défense		<input type="checkbox"/> Affidavit de (nom)		<input type="checkbox"/> daté du		<p style="text-align: center;">_____ Signature</p> <p style="text-align: center;">_____ Date de la signature</p>
<input type="checkbox"/> Demande datée du	<input type="checkbox"/> Avis de motion daté du																
<input type="checkbox"/> Exemplaire de la formule de demande	<input type="checkbox"/> État des sommes dues daté du																
<input type="checkbox"/> État financier daté du	<input type="checkbox"/> (Autre. Donnez le titre et la date du document.)																
<input type="checkbox"/> Exemplaire de la formule d'état financier																	
<input type="checkbox"/> Défense datée du																	
<input type="checkbox"/> Exemplaire de la formule de défense																	
<input type="checkbox"/> Affidavit de (nom)																	
<input type="checkbox"/> daté du																	

REMARQUE : L'adresse que vous indiquez ci-dessus servira à l'avenir à vous signifier des documents par la poste jusqu'à ce que vous avisiez les autres parties et le greffe d'une nouvelle adresse aux fins de signification.

FORMULE 6A**ANNONCE**

[*Nom du tribunal*]

AVIS À : (*nom et prénom officiels*)

UNE CAUSE A ÉTÉ INTRODUITE CONTRE VOUS DEVANT LE TRIBUNAL situé au
(*adresse : numéro et rue, municipalité, code postal*)

La prochaine date d'audience est fixée au (*date*)
à (*heure*) ou dès que possible à la suite.

Le tribunal peut rendre une ordonnance dans le cadre de cette cause qui peut porter atteinte à vos droits. Vous pouvez obtenir de plus amples renseignements au sujet de la cause auprès du greffe situé au (*Écrivez «l'adresse ci-dessus» ou, si son adresse est différente, donnez le numéro et la rue, la municipalité et le code postal du greffe.*)

Vous pouvez également obtenir des renseignements au sujet de cette cause auprès de
(*nom, adresse et numéro de téléphone de la personne qui publie la présente annonce*).

**SI VOUS NE VOUS PRÉSENTEZ PAS AU TRIBUNAL, UN ORDONNANCE PEUT ÊTRE
RENDUE SANS VOUS ET ÊTRE EXÉCUTÉE CONTRE VOUS.**

Numéro de dossier du greffe

(Nom du tribunal)

Formule 6B : Affidavit de signification daté du

situé(e) au

Adresse du greffe

Requérant(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Intimé(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Je m'appelle (nom et prénom officiels)**J'habite à** (municipalité et province)**et je déclare sous serment/j'affirme solennellement que les renseignements suivants sont véridiques :****1. Le (date), j'ai signifié à (nom du destinataire)**

le ou les documents suivants dans cette cause :

Nom du document

Auteur (le cas échéant)

Date à laquelle le document a été signé, délivré ou fait l'objet d'une déclaration sous serment.

Énumérez les documents signifiés.

REMARQUE : Vous pouvez laisser en blanc toute partie non applicable de la présente formule.

2. J'ai signifié les documents mentionnés au point 1 :

Cochez une seule case et passez au point indiqué.

- ☐ par voie de signification spéciale. (Passez au point 3 ci-dessous.)
- ☐ par la poste. (Passez au point 4.)
- ☐ par messagerie. (Passez au point 5.)
- ☐ par voie de dépôt à un centre de distribution de documents. (Passez au point 6.)
- ☐ par télécopie. (Passez au point 7.)
- ☐ par voie de signification indirecte ou par publication d'une annonce. (Passez au point 8.)

3. J'ai signifié le ou les documents à la personne mentionnée au point 1 par voie de signification spéciale à (lieu ou adresse) :

Cochez une seule case. Biffez les points 4 à 8 et passez au point 9.

- ☐ en en remettant une copie à la personne.
- ☐ en en remettant une copie à (nom)
 - ☐ qui est l'avocat(e) de la personne et qui a accepté la signification en son nom.
 - ☐ qui est (charge ou poste) de la société mentionnée au point 1.
- ☐ en en envoyant une copie par la poste à la personne, accompagnée d'une carte postale de réponse

Suite à la page suivante ➡

Formule 6B : Affidavit de**signification daté du (page 2)**

Numéro de dossier du greffe

affranchie rédigée selon la formule 6, dans une enveloppe portant l'adresse de l'expéditeur. Cette carte, dans laquelle il est accusé réception du ou des documents, a été retournée et est jointe au présent affidavit.

- ☐ en en laissant une copie au domicile de la personne, dans une enveloppe scellée adressée à celle-ci, entre les mains de (nom) , qui m'a présenté une pièce d'identité prouvant qu'il ou elle était une personne majeure habitant sous le même toit, et en en envoyant par la poste, le même jour ou le lendemain, une autre copie à la personne mentionnée au point 1 au même domicile.
- ☐ (Autre méthode. Voir la règle 6 pour obtenir des précisions.)

4. J'ai envoyé par la poste le ou les documents à signifier en adressant l'enveloppe à la personne mentionnée au point 1 à l'adresse suivante : (Indiquez l'adresse)

qui est celle

Cochez la case
appropriée et biffez
les points 3, 5, 6,
7, 8 et 9.

- ☐ du lieu de travail de la personne.
☐ de l'avocat(e) de la personne.
☐ du domicile de la personne.
☐ figurant sur le document déposé le plus récemment au tribunal par la personne.
☐ (Autre, précisez)

5. Le ou les documents à signifier ont été placés dans une enveloppe qui a été ramassée à (heure) le (date)
..... par (nom du service de messagerie)

service de messagerie privé, dont une copie de l'accusé de réception est jointe au présent affidavit. L'enveloppe était adressée à la personne mentionnée au point 1 à l'adresse suivante : (Indiquez l'adresse)

qui est celle

Cochez la case appropriée
et biffez les points 3, 4, 6, 7,
8 et 9.

- ☐ du lieu de travail de la personne.
☐ de l'avocat(e) de la personne.
☐ du domicile de la personne.
☐ figurant sur le document déposé le plus récemment au tribunal par la personne.
☐ (Autre, précisez)

6. Le ou les documents ont été déposés à un centre de distribution de documents. Le timbre dateur du centre qui figure sur la copie ci-jointe indique la date du dépôt. (Biffez les points 3, 4, 5, 7, 8 et 9.)

7. Le ou les documents à signifier ont été envoyés par télécopie. La confirmation de la télécopie est jointe au présent affidavit. (Biffez les points 3, 4, 5, 6, 8 et 9.)

8. Une ordonnance de ce tribunal rendue le (date) a permis
☐ la signification indirecte.
☐ la signification par publication d'une annonce. (Joignez l'avis.)

L'ordonnance a été exécutée comme suit : (Précisez, puis passez au point 9 si vous avez dû vous déplacer pour effectuer la signification).

9. Pour signifier le ou les documents, j'ai dû parcourir kilomètres. Mes frais sont de \$, y compris le déplacement.

Déclaré sous serment/Affirmé solennellement devant moi à

municipalité

en/à/au

province, État ou pays

le

date

Commissaire aux affidavits

(Dactylographiez le nom ou écrivez-le en caractères d'imprimerie ci-dessous si la signature est illisible)

Signature

(La présente formule doit être signée en présence d'un avocat, d'un juge de paix, d'un notaire ou d'un commissaire aux affidavits.)



(Nom du tribunal)

Numéro de dossier du greffe

**Formule 8 : Requête
(formule générale)**situé(e) au _____
Adresse du greffe**Requérant(e)(s)**

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Intimé(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

À L'AUX INTIMÉ(E)(S) :**UNE CAUSE A ÉTÉ INTRODUITE CONTRE VOUS DEVANT CE TRIBUNAL. LES PRÉCISIONS À CE SUJET FIGURENT SUR LES PAGES CI-JOINTES.**☐ LA PREMIÈRE DATE D'AUDIENCE EST FIXÉE AU (date) À (heure), ou dès que possible par la suite, au : (adresse)

REMARQUE : S'il s'agit d'une cause de divorce, aucune date ne sera fixée à moins qu'une défense ne soit déposée.

Si un avis de motion vous a également été signifié, une date d'audience antérieure peut être fixée et vous ou votre avocat devriez vous présenter au tribunal pour l'audition de la motion.

☐ CETTE CAUSE EST RÉGIE PAR LA VOIE ACCÉLÉRÉE DU SYSTÈME DE GESTION DES CAUSES. Un juge responsable de la gestion de la cause y sera affecté avant qu'un juge n'en soit saisi pour la première fois.☐ CETTE CAUSE EST RÉGIE PAR LA VOIE ORDINAIRE DU SYSTÈME DE GESTION DES CAUSES. Aucune date d'audience n'a été fixée, mais si un avis de motion vous a été signifié, il porte une date d'audience et vous ou votre avocat devriez vous présenter au tribunal pour l'audition de la motion. Un juge responsable de la gestion de la cause sera affecté à la cause uniquement lorsque le greffier du tribunal aura fixé une date pour la tenue d'une conférence relative à la cause à la demande d'une partie ou qu'un avis de motion prévu au paragraphe 14 (5) aura été signifié avant la tenue d'une conférence relative à la cause. Si la date du procès n'a pas été fixée après 200 jours, le greffier du tribunal enverra un avertissement aux parties selon lequel la cause sera rejetée dans les 30 jours à moins qu'elles ne déposent la preuve que la cause a été réglée ou à moins que l'une d'elles ne demande la tenue d'une conférence relative à la cause ou d'une conférence en vue d'un règlement amiable.

SI VOUS DÉSIREZ VOUS OPPOSER À UNE DEMANDE DANS LA PRÉSENTE CAUSE, vous ou votre avocat devez préparer une *Défense* (formule 10 — un exemplaire devrait être joint), en signifier une copie aux requérants et en déposer une copie au greffe, accompagnée d'un *Affidavit de signification* (formule 6B). VOUS NE DISPOSEZ QUE DE 30 JOURS APRÈS QUE LA PRÉSENTE REQUÊTE VOUS EST SIGNIFIÉE (60 JOURS SI ELLE VOUS EST SIGNIFIÉE À L'EXTÉRIEUR DU CANADA OU DES ÉTATS-UNIS) POUR SIGNIFIER ET DÉPOSER UNE DÉFENSE. SI VOUS NE LE FAITES PAS, LA CAUSE SE POURSUIVRA SANS VOUS ET LE TRIBUNAL PEUT RENDRE UNE ORDONNANCE ET L'EXÉCUTER CONTRE VOUS.

Cochez la case ci-contre s'il y a lieu.

☐ Cette cause comprend une demande d'aliments ou une demande portant sur des biens. Vous **DEVEZ** remplir un *État financier* (formule 13 — un exemplaire est joint), en signifier une copie aux requérants et en déposer une copie au greffe, accompagnée d'un *Affidavit de signification*, même si vous ne présentez pas de défense dans cette cause.

Si vous désirez présenter votre propre demande, vous ou votre avocat devez remplir la section réservée à la demande dans la *Défense*, en signifier une copie aux requérants et en déposer une copie au greffe, accompagnée d'un *Affidavit de signification*.

Vous devriez obtenir des conseils juridiques au sujet de cette cause immédiatement. Si vous n'avez pas les moyens de payer un avocat, le bureau d'aide juridique de votre localité pourra peut-être vous aider. (Consultez l'annuaire téléphonique sous la rubrique *Aide juridique*).

Date de délivrance

Greffier du tribunal

Suite à la page suivante ➡

Formule 8 : Requête (formule générale) (page 2)

Numéro de dossier du greffe.....

ANTÉCÉDENTS FAMILIAUX

REQUÉRANT(E) : Âge : Date de naissance :
 Domicilié(e) à (municipalité et province)
 depuis le (date)
 Nom de famille à la naissance : Nom de famille immédiatement avant le mariage :
 Déjà divorcé(e)? ☐ Non ☐ Oui (Lieu et date du divorce précédent)

INTIMÉ(E) : Âge : Date de naissance :
 Domicilié(e) à (municipalité et province)
 depuis le (date)
 Nom de famille à la naissance : Nom de famille immédiatement avant le mariage :
 Déjà divorcé(e)? ☐ Non ☐ Oui (Lieu et date du divorce précédent)

LIEN AVEC L'AUTRE PARTIE :

- ☐ Nous nous sommes mariés le (date) ☐ Nous avons commencé à vivre ensemble le (date)
☐ Nous nous sommes séparés le (date) ☐ Nous n'avons jamais vécu ensemble
☐ Nous sommes toujours ensemble

ENFANT(S) :

Énumérez tous les enfants concernés dans cette cause, même si aucune demande n'est présentée à leur égard.

Nom et prénom officiels	Âge	Date de naissance	Domicilié(e) à (municipalité et province)	Habite actuellement avec (nom de la personne et lien de parenté avec l'enfant)

CAUSES OU ACCORDS ANTÉRIEURS

Les parties ou les enfants ont-ils déjà pris part à une cause judiciaire?

- ☐ Non ☐ Oui (Joignez un résumé des causes — formule 8E.)

Les parties ont-elles conclu un accord écrit au sujet d'une question en litige dans cette cause?

- ☐ Non ☐ Oui (Indiquez la date de l'accord et les conditions de celle-ci qui sont en litige. Joignez des pages supplémentaires au besoin.)

Suite à la page suivante ➡

Formule 8 : Requête (formule générale) (page 3)

Numéro de dossier du greffe.

DEMANDE DU/DE LA REQUÉRANT(E)

JE DEMANDE AU TRIBUNAL CE QUI SUIT :

(Les demandes ci-dessous comprennent les demandes d'ordonnance temporaire)

Demands visées par la <i>Loi sur le divorce</i> <i>Cochez les cases de la présente colonne uniquement si vous demandez un divorce</i>	Demands visées par la <i>Loi sur le droit de la famille</i> ou la <i>Loi portant réforme du droit de l'enfance</i>	Demands portant sur des biens
00 <input type="checkbox"/> un divorce	10 <input type="checkbox"/> des aliments pour moi-même	20 <input type="checkbox"/> l'égalisation des biens familiaux nets
01 <input type="checkbox"/> des aliments pour moi-même	11 <input type="checkbox"/> des aliments pour un ou plusieurs enfants	21 <input type="checkbox"/> la possession exclusive du foyer conjugal
02 <input type="checkbox"/> des aliments pour un ou plusieurs enfants	12 <input type="checkbox"/> la garde d'un ou de plusieurs enfants	22 <input type="checkbox"/> la possession exclusive du contenu du foyer conjugal
03 <input type="checkbox"/> la garde d'un ou de plusieurs enfants	13 <input type="checkbox"/> le droit de visite à un ou plusieurs enfants	23 <input type="checkbox"/> le gel des avoirs
04 <input type="checkbox"/> le droit de visite à un ou plusieurs enfants	14 <input type="checkbox"/> une ordonnance de ne pas faire/de non-harcèlement	24 <input type="checkbox"/> la vente de biens familiaux
	15 <input type="checkbox"/> une indexation des aliments du conjoint	Autres demandes
	16 <input type="checkbox"/> une déclaration de liens de filiation	30 <input type="checkbox"/> les dépens
	17 <input type="checkbox"/> une tutelle à l'égard des biens d'un enfant	31 <input type="checkbox"/> l'annulation du mariage
		32 <input type="checkbox"/> les intérêts antérieurs au jugement

50 ☐ (Autre, précisez)

Donnez des précisions au sujet de l'ordonnance que vous demandez au tribunal. (Indiquez les montants des aliments (s'ils sont connus) et le nom des enfants à l'égard desquels des aliments, la garde ou le droit de visite sont demandés.)

Suite à la page suivante ➡

Formule 8 : Requête (formule générale) (page 4)

Numéro de dossier du greffe.

FAITS IMPORTANTS À L'APPUI DE MA REQUÊTE EN DIVORCE

- ☐ **Séparation** : Les conjoints sont séparés depuis le (date) et
- ☐ n'ont pas vécu ensemble depuis ce temps dans une vaine tentative de réconciliation.
 - ☐ ont vécu ensemble pendant la ou les périodes suivantes dans une vaine tentative de réconciliation :
(précisez les dates.)
- ☐ **Adultère** : L'intimé(e) a commis l'adultère. (Précisez. Il n'est pas nécessaire de nommer une autre personne, mais si vous le faites, vous devez alors lui signifier la présente requête.)
- ☐ **Cruauté** : L'intimé(e) a fait preuve d'une telle cruauté physique ou mentale à l'égard du/de la requérant(e) que la cohabitation est devenue intolérable. (Précisez.)

FAITS IMPORTANTS À L'APPUI DE MES AUTRES DEMANDES

(Énoncez ci-dessous les faits qui constituent le fondement juridique de vos autres demandes. Joignez des pages supplémentaires au besoin.)

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page

Signature du/de la requérant(e)

Date de la signature

Causes de divorce seulement

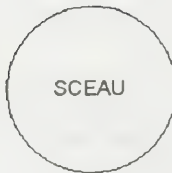
ATTESTATION DE L'AVOCAT

Je m'appelle :

et je suis l'avocat(e) du/de la requérant(e) dans cette cause de divorce. J'atteste m'être conformé(e) aux exigences de l'article 9 de la *Loi sur le divorce*.

Signature de l'avocat(e)

Date de la signature



(Nom du tribunal)

Numéro de dossier du greffe

situé(e) au _____
Adresse du greffe

Formule 8A : Requête en divorce

- ☐ conjointe
☐ individuelle

Requérant(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Intimé(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

- ☐ CETTE CAUSE CONSTITUE UNE REQUÊTE CONJOINTE EN DIVORCE. LES PRÉCISIONS FIGURENT SUR LES PAGES CI-JOINTES. La requête et les affidavits à l'appui seront présentés à un juge lorsque les documents auront été vérifiés pour s'assurer qu'ils sont complets.

- ☐ IL S'AGIT D'UNE CAUSE DANS LAQUELLE LE/LA REQUÉRANT(E) NE DEMANDE QUE LE DIVORCE.

À L'AUX INTIMÉ(E)(S) :

UNE CAUSE DE DIVORCE A ÉTÉ INTRODUITE CONTRE VOUS DEVANT CE TRIBUNAL. LES PRÉCISIONS FIGURENT SUR LES PAGES CI-JOINTES.

- ☐ La première date d'audience sera fixée par le greffier du tribunal uniquement si une défense (formule 10) est signifiée et déposée.

SI VOUS DÉSIREZ ÊTRE AVISÉ(E) DE LA DATE D'AUDIENCE, vous ou votre avocat devez préparer une défense (formule 10 — un exemplaire devrait être joint), en signifier une copie aux requérants et en déposer une copie au greffe, accompagnée d'un affidavit de signification (formule 6B).

- ☐ CETTE CAUSE EST RÉGIE PAR LA VOIE ORDINAIRE DU SYSTÈME DE GESTION DES CAUSES. Aucune date d'audience n'a été fixée, mais si un avis de motion vous a été signifié, il porte une date d'audience et vous ou votre avocat devriez vous présenter au tribunal pour l'audition de la motion. Un juge responsable de la gestion de la cause sera affecté à la cause uniquement lorsque le greffier du tribunal aura fixé une date pour la tenue d'une conférence relative à la cause à la demande d'une partie ou qu'un avis de motion prévu au paragraphe 14 (5) aura été signifié avant la tenue d'une conférence relative à la cause. Si la date du procès n'a pas été fixée après 200 jours, le greffier du tribunal enverra un avertissement aux parties selon lequel la cause sera rejetée dans les 30 jours à moins qu'elles ne déposent la preuve que la cause a été réglée ou à moins que l'une d'elles ne demande la tenue d'une conférence relative à la cause ou d'une conférence en vue d'un règlement amiable.

SI VOUS DÉSIREZ VOUS OPPOSER À UNE DEMANDE DANS CETTE CAUSE, vous ou votre avocat devez préparer une défense (formule 10 — un exemplaire devrait être joint), en signifier une copie au/à la requérant(e) et en déposer une copie au greffe, accompagnée d'un affidavit de signification (formule 6B).

VOUS NE DISEZ QUE DE 30 JOURS APRÈS QUE LA PRÉSENTE REQUÊTE VOUS EST SIGNIFIÉE (60 JOURS SI ELLE VOUS EST SIGNIFIÉE À L'EXTÉRIEUR DU CANADA OU DES ÉTATS-UNIS) POUR SIGNIFIER ET DÉPOSER UNE DÉFENSE. SI VOUS NE LE FAITES PAS, LA CAUSE SE POURSUIVRA SANS VOUS ET LE TRIBUNAL PEUT RENDRE UNE ORDONNANCE ET L'EXÉCUTER CONTRE VOUS.

Si vous désirez présenter votre propre demande, vous ou votre avocat devez remplir la section réservée à la demande dans la défense, en signifier une copie au/à la requérant(e) et en déposer une copie au greffe, accompagnée d'un affidavit de signification.

Vous devriez obtenir des conseils juridiques au sujet de cette cause immédiatement. Si vous n'avez pas les moyens de payer un avocat, le bureau d'aide juridique de votre localité pourra peut-être vous aider. (Consultez l'annuaire téléphonique sous la rubrique Aide juridique).

Date de délivrance

Greffier du tribunal

Suite à la page suivante ➡

Formule 8A : Requête en divorce (conjointe/individuelle) (page 2) Numéro de dossier du greffe

ANTÉCÉDENTS FAMILIAUX

ÉPOUX : Âge : Date de naissance :
 Domicilié à (municipalité et province)
 depuis le (date)
 Nom de famille à la naissance : Nom de famille immédiatement avant le mariage :
 Déjà divorcé? ☐ Non ☐ Oui (Lieu et date du divorce précédent)

ÉPOUSE : Âge : Date de naissance :
 Domiciliée à (municipalité et province)
 depuis le (date)
 Nom de famille à la naissance : Nom de famille immédiatement avant le mariage :
 Déjà divorcée? ☐ Non ☐ Oui (Lieu et date du divorce précédent)

LIEN AVEC L'AUTRE PARTIE

☐ Nous nous sommes mariés le (date) ☐ Nous avons commencé à vivre ensemble le (date)
☐ Nous nous sommes séparés le (date) ☐ Nous n'avons jamais vécu ensemble

ENFANT(S) :

Énumérez tous les enfants concernés dans cette cause, même si aucune demande n'est présentée à leur égard.

Nom et prénom officiels	Âge	Date de naissance	Domicilié(e) à (municipalité et province)	Habite actuellement avec (nom de la personne et lien de parenté avec l'enfant)

CAUSES OU ACCORDS ANTÉRIEURS

Les parties ou les enfants ont-ils déjà pris part à une cause judiciaire?

☐ Non ☐ Oui (Joignez un résumé des causes — formule 8E.)

Les parties ont-elles conclu un accord écrit au sujet d'une question en litige dans cette cause?

☐ Non ☐ Oui (Indiquez la date de l'accord et les conditions de celle-ci qui sont en litige. Joignez des pages supplémentaires au besoin.)

Suite à la page suivante ➡

Formule 8A : Requête en divorce (conjointe/individuelle) (page 3) Numéro de dossier du greffe.

DEMANDES

UTILISEZ LE PRÉSENT BLOC UNIQUEMENT SI LA CAUSE CONSISTE EN UNE REQUÊTE CONJOINTE EN DIVORCE.

NOUS DEMANDONS CONJOINTEMENT AU TRIBUNAL CE QUI SUIT :

Demandes visées par la *Loi sur le divorce*

- 00 ☒ un divorce
- 01 ☐ des aliments pour le conjoint
- 02 ☐ des aliments pour un ou plusieurs enfants
- 03 ☐ la garde d'un ou de plusieurs enfants
- 04 ☐ le droit de visite à un ou plusieurs enfants

Demandes visées par la *Loi sur le droit de la famille* ou la *Loi portant réforme du droit de l'enfance*

- 10 ☐ des aliments pour le conjoint
- 11 ☐ des aliments pour un ou plusieurs enfants
- 12 ☐ la garde d'un ou de plusieurs enfants
- 13 ☐ le droit de visite à un ou plusieurs enfants
- 14 ☐ une ordonnance de ne pas faire/de non-harcèlement
- 15 ☐ une indexation des aliments du conjoint
- 16 ☐ une déclaration de liens de filiation
- 17 ☐ une tutelle à l'égard des biens d'un enfant

Demandes portant sur des biens

- 20 ☐ l'égalisation des biens familiaux nets
- 21 ☐ la possession exclusive du foyer conjugal
- 22 ☐ la possession exclusive du contenu du foyer conjugal
- 23 ☐ le gel des avoirs
- 24 ☐ la vente de biens familiaux

Autres demandes

- 30 ☐ les dépens
- 31 ☐ l'annulation du mariage
- 32 ☐ les intérêts antérieurs au jugement
- 50 ☐ (Autre, précisez)

UTILISEZ LE PRÉSENT BLOC UNIQUEMENT SI LE/LA REQUÉRANT(E) DANS CETTE CAUSE NE DEMANDE QU'UN DIVORCE.

JE DEMANDE AU TRIBUNAL CE QUI SUIT :

- 00 ☒ un divorce

(cochez s'il y a lieu)

- 30 ☐ les dépens

FAITS IMPORTANTS À L'APPUI DE LA DEMANDE DE DIVORCE

- ☐ **Séparation** : Les conjoints sont séparés depuis le (date) et
- ☐ n'ont pas vécu ensemble depuis ce temps dans une vaine tentative de réconciliation.
- ☐ ont vécu ensemble pendant la ou les périodes suivantes dans une vaine tentative de réconciliation :
(Précisez les dates.)
- ☐ **Adultère** : (Nom du conjoint) a commis l'adultère.
(Précisez. Il n'est pas nécessaire de nommer une autre personne, mais si vous le faites, vous devez alors lui signifier la présente requête.)
- ☐ **Cruauté** : (Nom du conjoint) a fait preuve d'une telle cruauté physique ou mentale à l'égard de (nom du conjoint) que la cohabitation est devenue intolérable. (Précisez.)

Suite à la page suivante ➡

Formule 8A : Requête en divorce (conjointe/individuelle) (page 4) Numéro de dossier du greffe.

UTILISEZ LE PRÉSENT BLOC UNIQUEMENT SI CETTE CAUSE CONSISTE EN UNE REQUÊTE CONJOINTE EN DIVORCE.

Les détails de l'autre ou des autres ordonnances que nous demandons conjointement au tribunal sont les suivants : (Veuillez inclure les montants des aliments et le nom des enfants à l'égard desquels des aliments, la garde ou le droit de visite doivent faire l'objet d'une ordonnance.)

FAITS IMPORTANTS À L'APPUI DE NOS DEMANDES

(Énoncez ci-dessous les faits qui constituent le fondement juridique de vos demandes. Joignez des pages supplémentaires au besoin.)

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page.

S'il s'agit d'une requête conjointe en divorce, la signature de chaque conjoint doit figurer ci-dessous. Par contre, s'il s'agit d'une requête dans laquelle le/la requérant(e) ne demande que le divorce, vous et votre avocat êtes les seuls à devoir signer et vous devriez biffer en conséquence l'espace réservé à la signature de votre conjoint et à la date correspondante.

_____ Signature de l'époux	_____ Date de la signature
_____ Signature de l'épouse	_____ Date de la signature

ATTESTATION DE L'AVOCAT

Je m'appelle :
et je suis l'avocat(e) de (nom) dans cette cause de divorce. J'atteste m'être conformé(e) aux exigences de l'article 9 de la Loi sur le divorce.

_____ Signature de l'avocat(e)	_____ Date de la signature
-----------------------------------	-------------------------------



 (Nom du tribunal)

Numéro de dossier du greffe

 situé(e) au _____
 Adresse du greffe

**Formule 8B : Requête
 (protection d'un enfant
 et révision de statut)**
Requérant(e)(s) *(Dans la plupart des causes portant sur la protection d'un enfant, le/la requérant(e) sera une société d'aide à l'enfance.)*

 Nom et prénom officiels et adresse aux fins de signification — numéro
 et rue, municipalité, code postal, numéros de téléphone et de
 télécopieur et adresse électronique (le cas échéant).

 Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code
 postal, numéros de téléphone et de télécopieur et adresse électronique
 (le cas échéant).

Intimé(e)(s) *(Dans la plupart des causes portant sur la protection d'un enfant, l'intimé(e) sera un «père» ou une «mère» au sens de l'article 37 de la Loi sur les services à l'enfance et à la famille.)*

 Nom et prénom officiels et adresse aux fins de signification — numéro
 et rue, municipalité, code postal, numéros de téléphone et de
 télécopieur et adresse électronique (le cas échéant).

 Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code
 postal, numéros de téléphone et de télécopieur et adresse électronique
 (le cas échéant).

À L'AUX INTIMÉ(E)(S) :

 UNE CAUSE A ÉTÉ INTRODUITE CONTRE VOUS DEVANT CE TRIBUNAL. LES PRÉCISIONS À CE SUJET FIGURENT SUR
 LES PAGES CI-JOINTES.

 LA PREMIÈRE DATE D'AUDIENCE EST FIXÉE AU (date) À (heure)
, ou dès que possible par la suite, au : (adresse)

 Si un avis de motion vous a également été signifié, une date d'audience antérieure peut être fixée et vous ou votre avocat devriez
 vous présenter au tribunal pour l'audition de la motion.

 SI VOUS DÉSIREZ VOUS OPPOSER À UNE DEMANDE DANS CETTE CAUSE, vous ou votre avocat devez préparer une *Défense*
 (formule 10 — un exemplaire devrait être joint), en signifier une copie à la société d'aide à l'enfance et à toutes les autres parties
 et en déposer une copie au greffe, accompagnée d'un *Affidavit de signification* (formule 6B). VOUS NE DISEZ PAS QUE DE 30
 JOURS APRÈS QUE LA PRÉSENTE REQUÊTE VOUS EST SIGNIFIÉE (60 JOURS SI ELLE VOUS EST SIGNIFIÉE À
 L'EXTÉRIEUR DU CANADA OU DES ÉTATS-UNIS) POUR SIGNIFIER ET DÉPOSER UNE DÉFENSE. SI VOUS NE LE FAITES
 PAS, LA CAUSE SE POURSUIVRA SANS VOUS ET LE TRIBUNAL PEUT RENDRE UNE ORDONNANCE ET L'EXÉCUTER
 CONTRE VOUS.

 Cochez la case ☐ La société d'aide à l'enfance demande également des aliments pour les enfants. Vous DEVEZ remplir un *État*
 ci-contre s'il y a financier (formule 13 — un exemplaire est joint), en signifier une copie à la société et en déposer une copie au
 lieu. greffe, accompagnée d'un *Affidavit de signification*, même si vous ne présentez pas de défense dans cette cause.

AVERTISSEMENT : Les règles de gestion des causes s'appliquent à cette cause, qui est donc régie par un calendrier.
 D'après ce calendrier, les étapes suivantes doivent être menées à bien dans les délais indiqués à compter de l'introduction
 de la cause :

Audience sur les soins et la garde temporaires	25 jours	Conférence en vue d'un règlement amiable	80 jours
Signification et dépôt du programme de soins	33 jours	Audience portant sur la protection ou	
Conférence relative à la cause	40 jours	révision de statut	120 jours

 Vous devriez songer à obtenir des conseils juridiques au sujet de cette cause immédiatement. Si vous n'avez pas les moyens
 de payer un avocat, le bureau d'aide juridique de votre localité pourra peut-être vous aider. (Consultez l'annuaire téléphonique sous la rubrique
 Aide juridique).

 Date de délivrance

 Greffier du tribunal

Suite à la page suivante ➡

Formule 8B : Requête (protection d'un enfant et révision de statut) (page 2)

Numéro de dossier du greffe

ENFANT(S) : (Énumérez tous les enfants concernés dans cette cause.)

Nom et prénom officiels de l'enfant	Date de naissance	Âge	Sexe	Nom et prénom officiels de la mère	Nom et prénom officiels du père	Religion de l'enfant	Statut de l'enfant autochtone

DEMANDE DE LA SOCIÉTÉ

1. La société d'aide à l'enfance demande au tribunal de faire une constatation aux termes de la partie III de la *Loi sur les services à l'enfance et à la famille* selon laquelle l'enfant ou les enfants nommés dans la présente requête
- ☐ ont ☐ continuent d'avoir besoin de protection pour les raisons suivantes :
- (Cochez la ou les cases appropriées, en biffant dans chaque paragraphe coché les parties du texte qui ne sont pas pertinentes.)
- ☐ l'enfant ou les enfants ont subi des maux physiques infligés par la personne qui en est responsable ou causés par le défaut de cette personne de leur fournir des soins, de subvenir à leurs besoins, de les surveiller et de les protéger convenablement [alinéa 37 (2) a)].
 - ☐ l'enfant ou les enfants risquent vraisemblablement de subir des maux physiques infligés par la personne qui en est responsable ou causés par le défaut de cette personne de leur fournir des soins, de subvenir à leurs besoins, de les surveiller et de les protéger convenablement [alinéa 37 (2) b)].
 - ☐ l'enfant ou les enfants ont subi une atteinte aux mœurs ou ont été exploités sexuellement par la personne qui en est responsable ou par une autre personne et la personne qui en est responsable sait ou devrait savoir qu'il existe des dangers d'atteinte aux mœurs ou d'exploitation sexuelle et ne les protège pas [alinéa 37 (2) c)].
 - ☐ l'enfant ou les enfants risquent vraisemblablement de subir une atteinte aux mœurs ou d'être exploités sexuellement par la personne qui en est responsable ou par une autre personne et la personne qui en est responsable sait ou devrait savoir qu'il existe des dangers d'atteinte aux mœurs ou d'exploitation sexuelle et ne les protège pas [alinéa 37 (2) d)].
 - ☐ l'enfant ou les enfants ont besoin d'un traitement médical en vue de guérir, de prévenir ou de soulager des maux physiques ou leur douleur, et leur père ou leur mère ou la personne qui en est responsable ne fournit pas le traitement, refuse ou n'est pas en mesure de donner son consentement à ce traitement, ou n'est pas disponible pour le faire [alinéa 37 (2) e)].
 - ☐ l'enfant ou les enfants ont subi des maux affectifs qui se traduisent par un sentiment profond d'angoisse, un état dépressif grave, un fort repliement sur soi ou un comportement autodestructeur ou agressif, et leur père ou leur mère ou la personne qui en est responsable ne fournit pas des services ou un traitement afin de remédier à ces maux ou de les soulager, refuse ou n'est pas en mesure de donner son consentement à ce traitement ou ces services, ou n'est pas disponible pour le faire [alinéa 37 (2) f)].
 - ☐ l'enfant ou les enfants risquent vraisemblablement de subir des maux affectifs qui se traduisent par un sentiment profond d'angoisse, un état dépressif grave, un fort repliement sur soi ou un comportement autodestructeur ou agressif, et leur père ou leur mère ou la personne qui en est responsable ne fournit pas des services ou un traitement afin de prévenir ces maux, refuse ou n'est pas en mesure de donner son consentement à ce traitement ou ces services, ou n'est pas disponible pour le faire [alinéa 37 (2) g)].
 - ☐ l'état mental ou affectif ou de développement de l'enfant ou des enfants risque, s'il n'y est pas remédié, de porter gravement atteinte à leur développement, et leur père ou leur mère ou la personne qui en est responsable ne fournit pas un traitement afin de remédier à cet état ou de le soulager, refuse ou n'est pas en mesure de donner son consentement à ce traitement, ou n'est pas disponible pour le faire [alinéa 37 (2) h)].
 - ☐ l'enfant ou les enfants ont été abandonnés [alinéa 37 (2) i)].
 - ☐ le père ou la mère de l'enfant ou des enfants est décédé ou ne peut pas exercer ses droits de garde sur eux

Suite à la page suivante ➡

Formule 8B : Requête (protection d'un enfant et révision de statut) (page 3)

Numéro de dossier du greffe

- et n'a pas pris de mesures suffisantes relativement à leur garde et aux soins à leur fournir [alinéa 37(2) i]).
- ☐ l'enfant ou les enfants sont placés dans un établissement et leur père ou leur mère refuse d'en assumer à nouveau la garde et de leur fournir des soins, n'est pas en mesure de le faire ou n'y consent pas [alinéa 37(2) i)].
 - ☐ l'enfant ou les enfants ont moins de douze ans et ont tué ou gravement blessé une autre personne ou ont causé des dommages importants aux biens d'une autre personne et doivent subir un traitement ou recevoir des services pour empêcher la répétition de ces actes, et leur père ou leur mère ou la personne qui en est responsable ne fournit pas ce traitement ou ces services, refuse ou n'est pas en mesure de donner son consentement à ce traitement ou ces services, ou n'est pas disponible pour le faire [alinéa 37(2) j)].
 - ☐ l'enfant ou les enfants ont moins de douze ans et ont, à plusieurs reprises, blessé une autre personne ou causé une perte ou des dommages aux biens d'une autre personne, avec l'encouragement de la personne qui en est responsable ou en raison du défaut ou de l'incapacité de cette personne de les surveiller convenablement [alinéa 37(2) k)].
 - ☐ le père ou la mère de l'enfant ou des enfants n'est pas en mesure de leur fournir des soins et ils sont amenés devant le tribunal avec le consentement de leur père ou de leur mère, et, s'ils sont âgés de douze ans ou plus, avec leur propre consentement, afin d'être traités comme le prévoit la partie III de la *Loi sur les services à l'enfance et à la famille* [alinéa 37(2) l)].
2. La société demande en conséquence une ordonnance :
- ☐ pour que l'enfant ou les enfants soient placés chez (*nom du gardien*)
sous la surveillance de (*raison sociale de la société chargée de la surveillance*)
pendant mois, aux conditions énoncées à l'annexe figurant à la page 6 de la présente formule de requête.
 - ☐ pour que l'enfant ou les enfants deviennent des pupilles de (*raison sociale de la société*)
pendant mois.
 - ☐ pour que l'enfant ou les enfants deviennent des pupilles de (*raison sociale de la société*)
pendant mois, puis qu'ils soient retournés chez (*nom du gardien*)
sous la surveillance de (*raison sociale de la société chargée de la surveillance*).
pendant mois, aux conditions énoncées à l'annexe figurant à la page 6 de la présente formule de requête.
 - ☐ pour que l'enfant ou les enfants deviennent des pupilles de la Couronne et soient confiés aux soins de (*raison sociale de la société chargée d'assurer les soins*).
 - ☐ pour que (*nom de l'aide familiale*)
soit autorisée à rester dans les locaux situés au (*adresse des locaux où l'aide familiale est placée*)
jusqu'au (*date*)
ou jusqu'à ce que la personne qui a droit à la garde de l'enfant ou des enfants revienne prendre soin d'eux, selon la première de ces éventualités.
 - ☐ pour que soit accordé le droit de visite, selon les modalités suivantes : (*Donnez des précisions sur l'ordonnance demandée, y compris toute demande d'ordonnance de ne pas faire visée à l'article 76 de la Loi sur les services à l'enfance et à la famille.*)
 - ☐ pour que soient versés des aliments pendant que l'enfant ou les enfants reçoivent des soins, selon les modalités suivantes :
 - ☐ pour que soient accordés des dépens.
 - ☐ (*Autre, précisez.*)
3. Au mieux de la connaissance de la société, les parties ou l'enfant ou les enfants ☐ ont déjà
☐ n'ont jamais
pris part à une cause judiciaire portant sur leur surveillance, leur tutelle ou leur garde ou le droit de visite à leur égard. (*Si vous avez coché la première case, joignez un résumé en question — formule 8E.*)

Suite à la page suivante ➡

**Formule 8B : Requête (protection d'un enfant et
révision de statut) (page 4)**

Numéro de dossier du greffe

4. Les parties ☐ ont ☐ n'ont pas
conclu d'accord écrit au sujet d'une question soulevée dans cette cause. (Si vous avez coché la première case, indiquez la
date de l'accord et les conditions de celle-ci qui sont en litige. Joignez des pages supplémentaires au besoin.)
5. Voici un bref résumé des faits sur lesquels la société se fonde dans la présente requête. (Énoncez les faits sous forme
de paragraphes numérotés. Au besoin, joignez des pages supplémentaires, mais assurez-vous de dater et de signer chacune d'elles.)

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page.

Signature du/de la requérant(e)_____
Date de la signature_____
Écrivez le nom en caractères d'imprimerie ou dactylographiez-le_____
Charge ou poste occupé à la société d'aide à l'enfance

Suite à la page suivante ➡

Formule 8B : Requête (protection d'un enfant et
révision de statut) (page 5)

Numéro de dossier du greffe

ANNEXE

Les conditions que la société envisage pour la surveillance de l'enfant ou des enfants sont les suivantes :

(Énoncez les conditions sous forme de paragraphes numérotés. Ne rien écrire sur cette page si aucune surveillance n'est demandée.)



(Nom du tribunal)

situé(e) au _____
Adresse du greffe

Numéro de dossier du greffe

Formule 8C : Requête visant

- ☐ le traitement en milieu fermé
- ☐ la prorogation du traitement en milieu fermé

Requérant(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).
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Enfant

Nom et prénom officiels de l'enfant :	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).
Date de naissance :	
Sexe :	

Cochez la case appropriée.

- ☐ Je suis le père ou la mère de l'enfant ou nous sommes les parents de l'enfant. (Joignez le consentement du père ou de la mère — formule 33R. Si l'enfant a 16 ou 17 ans, son consentement — formule 33Q — doit également être joint. Dans le cas d'une requête en prorogation du traitement, le consentement de l'administrateur du programme — formule 33R — doit également être joint. Si l'enfant a 18 ans ou plus, son consentement à la prorogation — formule 33R — doit également être joint.)

☐ Je suis un dirigeant autorisé de la société d'aide à l'enfance qui a la garde de l'enfant aux termes d'une ordonnance rendue en vertu de la partie III de la Loi sur les services à l'enfance et à la famille. (Joignez le consentement du dirigeant — formule 33R. Si l'enfant a 16 ou 17 ans, son consentement — formule 33Q — doit également être joint. Dans le cas d'une requête en prorogation du traitement, le consentement de l'administrateur du programme — formule 33R — doit également être joint.)

☐ Je suis la personne (autre qu'un administrateur du programme de traitement en milieu fermé) qui prend soin de l'enfant. (À n'utiliser que si l'enfant a moins de 16 ans. Le consentement du père ou de la mère de l'enfant — formule 33R — doit être joint. Dans le cas d'une requête en prorogation du traitement, le consentement de l'administrateur du programme — formule 33R — doit également être joint.)

☐ Je suis l'enfant concerné dans cette cause et j'ai 16 ou 17 ans. (Le consentement de l'enfant — formule 33Q — doit être joint. Dans le cas d'une requête en prorogation du traitement, le consentement de l'administrateur du programme — formule 33R — doit également être joint.)

☐ Je suis la personne qui a été placée dans un programme de traitement en milieu fermé dans cette cause et j'ai 18 ans ou plus. (À n'utiliser que pour une requête en prorogation du traitement. Joignez le consentement de l'administrateur du programme — formule 33R.)

☐ Je suis un médecin autorisé aux termes des lois de l'Ontario à exercer la médecine. (À n'utiliser que pour une requête en prorogation du traitement en milieu fermé dans les cas où l'enfant a 16 ans ou plus. Le médecin peut demander la prorogation du traitement, mais seulement si l'enfant a 18 ans ou plus et que des consentements distincts — formule 33R — l'un de l'administrateur du programme, l'autre de l'enfant, sont joints.)

☐ Je suis la personne responsable du programme de traitement en milieu fermé. (À n'utiliser que pour une requête en prorogation du traitement en milieu fermé. Joignez deux consentements — formule 33R —, l'un de l'administrateur du programme, l'autre du père ou de la mère de l'enfant ou, si l'enfant est confié aux soins d'une société d'aide à l'enfance, celui de la société. Si l'enfant a maintenant 18 ans ou plus, le deuxième consentement — formule 33R — doit venir de lui.)
- Je demande ou nous demandons une ordonnance visée à la partie VI de la Loi sur les services à l'enfance et à la famille

☐ plaçant l'enfant ☐ prorogeant le placement de l'enfant

Suite à la page suivante ➡

**Formule 8C : Requête visant
le traitement en milieu fermé (page 2)**

Numéro de dossier du greffe,

dans le programme de traitement en milieu fermé suivant : *(Nom du programme de traitement en milieu fermé et adresse où il est offert.)*

3. Je présente ou nous présentons la présente requête pour les raisons suivantes : *(REMARQUE : les trois énoncés — a), b) et c) — doivent s'appliquer dans tous les cas.)*

- ☐ a) l'enfant est atteint d'un trouble mental;
- ☐ b) le programme de traitement en milieu fermé permettrait efficacement d'empêcher que l'enfant s'inflige ou tente de s'infliger des lésions corporelles graves, ou en inflige ou tente d'en infliger à une autre personne;
- ☐ c) aucune méthode moins restrictive qui convient au traitement du trouble mental de l'enfant n'est appropriée dans les circonstances.

N'utilisez ce bloc que pour une requête visant le traitement en milieu fermé.

En plus des énoncés a), b) et c) ci-dessus, les trois énoncés ci-dessous — d), e) et f) — doivent ÉGALEMENT s'appliquer.

- ☐ d) l'enfant, en conséquence du trouble mental, s'est infligé ou a tenté de s'infliger des lésions corporelles graves ou en a infligées ou a tenté d'en infliger à une autre personne au cours des 45 jours qui précèdent immédiatement l'un des événements suivants :
- Ne cochez qu'une seule des trois cases suivantes.*
- ☐ la date de la présente requête visant le placement dans un programme de traitement en milieu fermé.
- ☐ la détention de l'enfant ou sa garde en vertu de la *Loi sur les jeunes contrevenants* du Canada ou de la *Loi sur les infractions provinciales* de l'Ontario.
- ☐ l'admission de l'enfant dans un établissement psychiatrique en vertu de la *Loi sur la santé mentale* à titre de malade en cure obligatoire.
- ☐ ou bien, au cours des 12 mois qui précèdent immédiatement la présente requête visant le traitement en milieu fermé, mais lors d'une occasion différente de celle mentionnée à l'énoncé b) ci-dessus :
- ☐ s'est infligé ou a tenté de s'infliger des lésions corporelles graves, ou en a infligées ou a tenté d'en infliger à une autre personne,
- ☐ a sérieusement menacé au moyen de paroles ou d'actes de s'infliger des lésions corporelles graves ou d'en infliger à une autre personne;
- ☐ ou bien a causé ou a tenté de causer la mort d'une personne lorsqu'il s'est infligé ou a tenté de s'infliger des lésions corporelles graves ou en a infligées ou a tenté d'en infliger à une autre personne.
- ☐ e) l'enfant :
- ☐ f) un traitement qui convient au trouble mental de l'enfant est offert au même endroit que le programme mentionné au point 2 ci-dessus.

N'utilisez ce bloc que pour une requête en prorogation du traitement en milieu fermé

En plus des énoncés a), b) et c) ci-dessus, les deux énoncés ci-dessous — d) et e) — doivent ÉGALEMENT s'appliquer.

- ☐ d) l'enfant reçoit :
- ☐ le traitement qui a été proposé lorsque ce tribunal a initialement ordonné son placement en milieu fermé;
- ☐ un autre traitement approprié;
- ☐ e) il existe un programme approprié de soins à fournir à l'enfant lorsqu'il obtiendra son congé du programme de traitement en milieu fermé.

4. Voici un bref résumé des faits sur lesquels la présente requête se fonde. *(Énoncez les faits sous forme de paragraphes numérotés en tenant compte des éléments mentionnés au point 3. Au besoin, joignez des pages supplémentaires, mais assurez-vous de dater et de signer chacune d'elles.)*

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page.

Signature

Date de la signature

Signature

Date de la signature



(Nom du tribunal)

situé(e) au

Adresse du greffe

Numéro de dossier du greffe
.....
**Formule 8D : Requête
en adoption**

Requérant(e)(s) [Seuls les conjoints peuvent présenter une requête conjointe en adoption.]

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Intimé(e)(s) [La case ci-dessous n'est utilisée que dans une cause d'adoption contestée dans laquelle interviennent un ou plusieurs parents ou beaux-parents.]

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

LES REQUÉRANT(E)S DEMANDENT UNE ORDONNANCE D'ADOPTION DE :

(nom et prénom officiels de la personne qui doit être adoptée)
Les requérant(e)s demandent également une ordonnance pour que le nom de la personne, après l'adoption,
devienne : (nom et prénom officiels de la personne après l'adoption)

Biffez la case ci-dessous si elle ne s'applique pas dans cette cause.

AVIS AUX INTIMÉ(E)S : Vous est également signifié un avis de motion visant à permettre de passer outre à votre consentement à cette adoption. Des précisions sur la motion figurent dans l'avis de motion et dans le ou les affidavits ci-joints.

SI VOUS DÉSIREZ VOUS OPPOSER À CETTE ADOPTION, vous ou votre avocat devez préparer un ou plusieurs affidavits pour la motion. **SI VOUS NE LE FAITES PAS, LE TRIBUNAL PEUT SE PASSER DE VOTRE CONSENTEMENT EN VOTRE ABSENCE ET VOUS NE RECEVREZ AUCUN AUTRE AVIS DE L'AUDIENCE PORTANT SUR L'ADOPTION.**

VOUS DEVRIEZ OBTENIR DES CONSEILS JURIDIQUES AU SUJET DE CETTE CAUSE IMMÉDIATEMENT. Si vous n'avez pas les moyens de payer un avocat, le bureau d'aide juridique de votre localité pourra peut-être vous aider. (Consultez l'annuaire téléphonique sous la rubrique *Aide juridique*).

Date de délivrance

Greffier du tribunal

Numéro de dossier du greffe

(Nom du tribunal)

**Formule 8E : Résumé
des causes**

situé(e) au

Adresse du greffe

Requérant(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant)	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant)
--	---

Intimé(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant)	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant)
--	---

Je m'appelle (nom et prénom officiels)

Voici un calendrier de toutes les étapes de cette cause et de toute autre cause pertinente concernant :

- soit l'une ou l'autre des parties;
- soit un enfant qui est concerné par cette cause ou dont les intérêts le sont.

Signature

Date de la signature

Date à laquelle la cause ou l'étape de celle-ci a débuté	Description de la cause ou de l'étape	Tribunal qui a entendu la cause ou l'étape	Juge ou officier de justice dont l'ordonnance a décidé de la cause ou de l'étape	Date de l'ordonnance	Résumé de l'ordonnance

Suite à la page suivante

Numéro de dossier du greffe

[illegible]

Numéro de dossier du greffe

(Nom du tribunal)

Formule 10 : Défense

situé(e) au

Adresse du greffe

Requérant(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).
---	--

Intimé(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).
---	--

À L'AUX INTIMÉ(E)(S)

Si vous présentez une demande contre une personne qui n'est pas le/la requérant(e), indiquez les nom et adresse de la personne ici.

ET À : (nom et prénom officiels)
(adresse)

, intimé(e) joint(e),

1. Je suis d'accord avec les demandes suivantes du/de la requérant(e) : (Reportez-vous aux numéros figurant vis-à-vis des cases à la page 3 de la formule de requête.)
2. Je ne suis pas d'accord avec les demandes suivantes du/de la requérant(e) : (Reportez-vous aux numéros figurant vis-à-vis des cases à la page 3 de la formule de requête.)
3. ☐ Je demande que la demande du/de la requérant(e) (sauf les parties avec lesquelles je suis d'accord) soit rejetée avec les dépens.
4. ☐ Je présente ma propre demande.
(Joignez la page 3, intitulée «Demande de l'intimé(e)», s'il y a lieu.)
5. ☐ Les ANTÉCÉDENTS FAMILIAUX, tels qu'ils sont énoncés dans la requête, ☐ sont exacts
☐ sont inexacts
(S'ils sont inexacts, joignez votre propre page d'ANTÉCÉDENTS FAMILIAUX et soulignez les parties qui diffèrent de la version du/de la requérant(e).)

Suite à la page suivante ➡

Formule 10 : Défense (page 2)

Numéro de dossier du greffe

6. Les faits importants qui constituent le fondement juridique de la position que j'avance au numéro 2 sont les suivants :
- (Sous forme de paragraphes numérotés, énoncez les faits en question. Joignez des pages supplémentaires au besoin et numérotez-les.)*

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page.

Signature de l'intimé(e)

Date de la signature

Suite à la page suivante ➡

Formule 10 : Défense (page 3)

Numéro de dossier du greffe

DEMANDE DE L'INTIMÉ(E)

Remplissez une page distincte pour chaque personne contre laquelle vous présentez vos demandes.

7. LA PRÉSENTE DEMANDE EST PRÉSENTÉE CONTRE

- ☐ LE/LA REQUÉRANT(E)
☐ UNE PARTIE JOINTE, soit (nom et prénom officiels)

(Si votre demande est présentée contre une partie jointe, assurez-vous que son nom figure à la page 1 de la présente formule.)

8. JE DEMANDE AU TRIBUNAL CE QUI SUIT :

(Les demandes ci-dessous comprennent les demandes d'ordonnance temporaire.)

Demandes visées par la Loi sur le divorce <i>Ne cochez les cases de la présente colonne que si vous présentez une requête en divorce.</i> 00 <input type="checkbox"/> un divorce 01 <input type="checkbox"/> des aliments pour moi-même 02 <input type="checkbox"/> des aliments pour un ou plusieurs enfants 03 <input type="checkbox"/> la garde d'un ou de plusieurs enfants 04 <input type="checkbox"/> le droit de visite à un ou plusieurs enfants Demandes visées par la Loi sur le droit de la famille ou la Loi portant réforme du droit de l'enfance 10 <input type="checkbox"/> des aliments pour moi-même 11 <input type="checkbox"/> des aliments pour un ou plusieurs enfants 12 <input type="checkbox"/> la garde d'un ou de plusieurs enfants 13 <input type="checkbox"/> le droit de visite à un ou plusieurs enfants 14 <input type="checkbox"/> une ordonnance de ne pas faire/de non-harcèlement 15 <input type="checkbox"/> une indexation des aliments du conjoint 16 <input type="checkbox"/> une déclaration de liens de filiation 17 <input type="checkbox"/> une tutelle à l'égard des biens d'un enfant	Demandes portant sur des biens 20 <input type="checkbox"/> l'égalisation des biens familiaux nets 21 <input type="checkbox"/> la possession exclusive du foyer conjugal 22 <input type="checkbox"/> la possession exclusive du contenu du foyer conjugal 23 <input type="checkbox"/> le gel des avoirs 24 <input type="checkbox"/> la vente de biens familiaux Autres demandes 30 <input type="checkbox"/> les dépens 31 <input type="checkbox"/> l'annulation du mariage 32 <input type="checkbox"/> les intérêts antérieurs au jugement	Demandes portant sur la protection d'un ou de plusieurs enfants 40 <input type="checkbox"/> le droit de visite 41 <input type="checkbox"/> une ordonnance de protection moindre 42 <input type="checkbox"/> leur retour à mes soins 43 <input type="checkbox"/> leur placement sous les soins de (nom) 44 <input type="checkbox"/> leur placement en tant que pupilles de la société d'aide à l'enfance pendant . . . mois 45 <input type="checkbox"/> la surveillance par la société des soins que je leur assure
---	--	---

50 ☐ (Autre, précisez)

Donnez des précisions sur l'ordonnance que vous demandez au tribunal. (Indiquez notamment les montants des aliments (s'ils sont connus) et le nom des enfants à l'égard desquels des aliments, la garde ou le droit de visite sont demandés.)

Suite à la page suivante ➡

Formule 10 : Défense (page 4)

Numéro de dossier du greffe

FAITS IMPORTANTS À L'APPUI DE MES DEMANDES

(Sous forme de paragraphes numérotés, énoncez les faits qui constituent le fondement juridique de vos demandes. Joignez des pages supplémentaires au besoin et numérotez-les.)

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page.

Signature de l'intimé(e)

Date de la signature

Numéro de dossier du greffe

(Nom du tribunal)

situé(e) au

Adresse du greffe

Formule 10A : Réponse

- ☐ du/de la
requérant(e)
☐ de l'intimé(e)
joint(e)

Requérant(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Intimé(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

À TOUTES LES PARTIES :

1. Je m'appelle
2. Je suis d'accord avec les demandes suivantes de l'intimé(e) : (Reportez-vous aux numéros figurant vis-à-vis des cases à la page 3 de la formule de défense.)
3. Je ne suis pas d'accord avec les demandes suivantes de l'intimé(e) : (Reportez-vous aux numéros figurant vis-à-vis des cases à la page 3 de la formule de défense.)
4. ☐ Je demande que la demande de l'intimé(e) (sauf les parties avec lesquelles je suis d'accord) soit rejetée avec les dépens.
5. Les faits importants qui constituent le fondement juridique de la position que j'avance au numéro 3 sont les suivants : (Sous forme de paragraphes numérotés, énoncez les faits en question. Joignez des pages supplémentaires au besoin et numérotez-les.)

Suite à la page suivante ➡

Formule 10A : Réponse (page 2)

Numéro de dossier du greffe

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page.

Signature

Date de la signature

Numéro de dossier du greffe

(Nom du tribunal)

**Formule 12 : Avis
de retrait**

situé(e) au

Adresse du greffe

Requérant(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Intimé(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

À TOUTES LES PARTIES :

Je m'appelle (nom et prénom officiels)

Je retire

- ☐ cette requête du (date)
- ☐ cette défense du (date)
- ☐ cet avis d'audience sur le défaut du (date)
- ☐ cet avis de motion du (date)
- ☐ (Autre. Précisez.)

contre (nom des parties visées par le retrait)

- ☐ à tous égards
- ☐ à l'égard (expliquez la nature du retrait)

Signature de la partie qui effectue le retrait ou de son avocat(e)

Date de la signature

AVIS AUX AUTRES PARTIES : Si le présent avis a pour effet de retirer en totalité ou en partie une cause introduite, une procédure d'exécution commencée, une motion présentée ou une autre démarche entreprise contre vous, vous avez le droit de vous faire rembourser vos dépens par la partie qui effectue le retrait, sauf ordonnance contraire du tribunal ou accord des parties.

Numéro de dossier du greffe

(Nom du tribunal)

situé(e) au

Adresse du greffe

**Formule 13 : État
financier**

daté du

Requérant(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Intimé(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Je m'appelle (nom et prénom officiels)**J'habite à** (municipalité et province)**et je déclare sous serment/J'affirme solennellement que les renseignements suivants sont véridiques :**

1. Mon état financier, tel qu'il figure dans les pages suivantes, est exact au mieux de ma connaissance et de ma croyance et rend compte de la situation financière, au (date à laquelle les renseignements sont exacts), des personnes ci-dessous :

Cochez une ou
plusieurs
cases, selon
les circon-
stances.

- ☐ moi-même
☐ les enfants énumérés à la section I du présent état
☐ la ou les personnes suivantes : [Donnez leur nom et leur lien de parenté avec vous.]

2. Je joins au présent état :

Voir les
instructions
ci-dessous

- ☐ les sections 1 à 6 de la présente formule et les documents mentionnés à la section 2 (numéros 9 à 12).
☐ la section 7 de la présente formule.
☒ les sections ☐ 8 à 10 de la présente formule.
☐ 11 à 16 de la présente formule.

Déclaré sous serment/Affirmé solennellement devant moi à

municipalité

en/à/au

province, État ou pays

le
date

Commissaire aux affidavits

(Dactylographiez le nom ou écrivez-le en caractères d'imprimerie ci-dessous si la signature est illisible.)

Signature

(La présente formule doit être signée en présence d'un avocat, d'un juge de paix, d'un notaire ou d'un commissaire aux affidavits.)

Suite à la page suivante ➔

Formule 13 : État financier (page 2)

Numéro de dossier du greffe

MARCHE À SUIVRE POUR REMPLIR LA PRÉSENTE FORMULE

Vous devez remplir et joindre les sections 1 à 6 de la présente formule si la cause comprend, selon le cas :

- une demande d'aliments;
- une demande de modification des aliments;
- l'exécution d'une ordonnance alimentaire ou des dispositions relatives aux aliments d'un contrat familial ou d'un accord de paternité;
- une demande de garde ou de droit de visite dans les cas où le tribunal a ordonné le dépôt d'un état financier;
- une demande de possession exclusive du foyer conjugal et de son contenu;
- un litige portant sur des biens qui ne concerne pas l'égalisation des biens familiaux nets aux termes de la partie I de la *Loi sur le droit de la famille*.

Vous devez également remplir et joindre la section 7, **MAIS SEULEMENT SI LA CAUSE COMPREND UNE DEMANDE D'ALIMENTS DONT LE MONTANT DIFFÈRE DE CELUI PRÉVU DANS LE TABLEAU FIGURANT DANS LES LIGNES DIRECTRICES SUR LES ALIMENTS POUR LES ENFANTS** (demande de supplément pour couvrir les dépenses spéciales ou extraordinaires de l'enfant ou des enfants; enfant de 18 ans ou plus; demande pour difficultés excessives; demande d'aliments en cas de garde exclusive ou partagée ou dans les cas où le revenu annuel d'une partie dépasse 150 000 \$).

Enfin, vous devez également donner des renseignements sur vos biens et sur vos dettes. **VOUS DEVEZ REMPLIR ET JOINDRE :**

- a) soit **LES SECTIONS 8 À 10** si la cause comprend une ou plusieurs des questions mentionnées ci-dessus, **MAIS NON** une demande d'égalisation des biens familiaux nets aux termes de la partie I de la *Loi sur le droit de la famille*;
- b) soit **LES SECTIONS 11 À 16** si la cause comprend une demande d'égalisation des biens familiaux nets aux termes de la partie I de la *Loi sur le droit de la famille*, même si elle comprend également une ou plusieurs des questions mentionnées ci-dessus.

Par exemple, si la cause ne porte que sur l'égalisation des biens familiaux nets aux termes de la partie I de la *Loi sur le droit de la famille*, vous devez remplir et joindre les sections 11 à 16, mais non les sections 1 à 7.

AUTRE REMARQUE IMPORTANTE

Dès que vous apprenez :

- a) soit que les renseignements qui figurent dans le présent état financier sont inexacts ou incomplets;
- b) soit que survient un changement important de circonstances qui a ou aura une incidence sur les renseignements qui figurent dans le présent état financier,

vous **DEVEZ** signifier à chacune des autres parties à la cause et déposer au tribunal :

- c) soit les renseignements exacts ou complets;
- d) soit un nouvel état financier dans lequel figurent les renseignements mis à jour,

ainsi que tous documents à l'appui de ces renseignements.

DÉCLARATION

(À remplir uniquement si votre revenu est exonéré d'impôt en raison de votre statut d'Indien ou d'Indienne.)

Je m'appelle (nom et prénom officiels)

J'habite à (municipalité et province)

et je déclare que les renseignements suivants sont véridiques :

1. Je suis un Indien ou une Indienne au sens de la *Loi sur les Indiens* du Canada.
2. En raison de mon statut, mon revenu est exonéré d'impôt et je ne suis pas tenu(e) de produire une déclaration de revenus.
3. En conséquence, je n'ai pas produit de déclaration de revenus pour les trois dernières années.

Déclaré devant moi à
municipalité

en/à/au
province, État ou pays

le
date

Commissaire aux affidavits

(Dactylographiez le nom ou écrivez-le en caractères d'imprimerie ci-dessous si la signature est illisible.)

Signature

(La présente formule doit être signée en présence d'un avocat, d'un juge de paix, d'un notaire ou d'un commissaire aux affidavits.)

Formule 13 : État financier (page 3)

Numéro de dossier du greffe

LES SECTIONS 1 À 6 DOIVENT ÊTRE REMPLIES ET JOINTES AU PRÉSENT ÉTAT FINANCIER si la cause comprend, selon le cas :

- une demande d'aliments;
- une demande de modification des aliments;
- l'exécution d'une ordonnance alimentaire ou des dispositions relatives aux aliments d'un contrat familial ou d'un accord de paternité;
- une demande de garde ou de droit de visite dans les cas où le tribunal a ordonné le dépôt d'un état financier;
- une demande de possession exclusive du foyer conjugal et de son contenu;
- un litige portant sur des biens qui ne concerne pas l'égalisation des biens familiaux nets aux termes de la partie I de la Loi sur le droit de la famille.

Ne remplissez pas la présente section si la cause ne concerne que l'égalisation des biens familiaux nets.

**SECTION 1 : NOM ET DATE DE NAISSANCE
DE L'ENFANT OU DES ENFANTS**

La section 1 doit être remplie si la cause concerne une demande de votre part ou d'une autre partie en vue d'obtenir :

- a) des aliments pour un ou plusieurs enfants;
- b) l'exécution d'une ordonnance alimentaire à l'égard d'un ou de plusieurs enfants;
- c) la garde d'un enfant ou le droit de visite à son égard, mais seulement dans les cas où le tribunal a ordonné à chaque partie de signifier et de déposer un état financier;
- d) une combinaison quelconque de ce qui précède.

Vous devez remplir la présente section même si vous avez décidé de ne pas contester la demande de garde ou d'aliments de l'autre partie. Elle ne s'applique pas si la cause ne comporte aucune demande concernant des enfants.

	NOM ET PRÉNOM OFFICIELS DE L'ENFANT	DATE DE NAISSANCE (j,m,a)	SEXE
1			
2			
3			
4			
5			
6			
7			
8			

SECTION 2 : REVENU

pour la période de 12 mois allant du (date) au (date)

Veuillez inclure les revenus et les autres sommes que vous recevez de toutes provenances, qu'ils soient imposables ou non. Indiquez le montant brut ci-dessous et les déductions à la section 5. Donnez le montant actuel réel si vous le connaissez ou si vous pouvez l'obtenir, sinon indiquez le montant approximatif qui vous semble le plus juste. Pour obtenir un montant mensuel pour les numéros 13 à 28, multipliez le revenu hebdomadaire par 4,33 ou divisez le montant annuel par 12.

9. Je suis ☐ employé(e) par (nom et adresse de votre employeur)

☐ à mon compte et j'exerce mes activités commerciales sous le nom de (nom et adresse de votre entreprise)

☐ sans emploi depuis le (date à laquelle vous avez travaillé pour la dernière fois)

10. Je joins à la présente :

- ☐ une copie des déclarations de revenus que j'ai remises au ministère du Revenu national pour les 3 dernières années d'imposition, une copie des pièces qui y étaient jointes ainsi qu'une copie des avis de cotisation ou de nouvelle cotisation d'impôt que j'ai reçus du ministère pour ces années.

Suite à la page suivante ➡

Formule 13 : État financier (page 5)

Numéro de dossier du greffe

SECTION 4 : AUTRES MEMBRES DU MÉNAGE QUI GAGNENT UN REVENU

Ne remplissez la présente section que si vous habitez avec quelqu'un d'autre, que vous soyez mariés ou non.

32. J'habite avec (nom et prénom officiels de la personne)

33. Cette personne a (nombre) enfant(s) qui habitent sous le même toit.

34. Cette personne ☐ travaille à/chez (lieu de travail ou d'activité)☐ ne travaille pas à l'extérieur du foyer.35. Cette personne ☐ gagne\$ par☐ ne gagne rien.36. Cette personne ☐ assume environ % des dépenses du ménage.☐ n'assume aucune des dépenses du ménage.**SECTION 5 : RETENUES À LA SOURCE**

pour la période de 12 mois allant du (date) au (date)

Indiquez le montant actuel réel si vous le connaissez ou si vous pouvez l'obtenir, sinon indiquez le montant qui vous semble le plus juste. Pour obtenir un montant mensuel, multipliez le revenu hebdomadaire par 4,33 ou divisez le montant annuel par 12.

GENRE DE DÉPENSES		PAR MOIS
37.	Impôt sur le revenu	
38.	Régime de pensions du Canada	
39.	Autres régimes de pension	
40.	Assurance-emploi	
41.	Cotisations syndicales ou autres	

GENRE DE DÉPENSES		PAR MOIS
42.	Assurance collective	
43.	Autre (Précisez. Joignez une autre feuille au besoin.)	
44.	TOTAL — RETENUES À LA SOURCE	

45. REVENU MENSUEL NET (Soustrayez : [31] — [44])\$

SECTION 6 : DÉPENSES TOTALES

pour la période de 12 mois allant du (date) au (date)

REMARQUE : La présente section doit être remplie dans tous les cas. Vous devez indiquer vos frais de subsistance TOTAUX, y compris ceux pour les enfants qui habitent chez vous. Si vous ne pouvez trouver le montant réel, indiquez le montant qui vous semble le plus juste. Comme pour la section 1, convertissez les chiffres hebdomadaires ou annuels en chiffres mensuels en les multipliant par 4,33 ou en les divisant par 12, selon le cas.

Suite à la page suivante ➡

Formule 13 : État financier (page 6)

Numéro de dossier du greffe

GENRE DE DÉPENSES		PAR MOIS
Logement		
46.	Loyer/hypothèque	
47.	Impôts fonciers et municipaux	
48.	Frais de condominium et dépenses communes	
49.	Eau	
50.	Électricité	
51.	Chauffage (gaz naturel, mazout)	
52.	Téléphone	
Logement		
53.	Câblodistribution et télévision payante	
54.	Assurance-habitation	
55.	Réparations domiciliaires, entretien, jardinage, déneigement, etc.	
56.	Autres dépenses du ménage (<i>Précisez. Joignez une autre feuille au besoin.</i>)	
Nourriture, articles de toilette et articles divers		
57.	Épicerie	
58.	Repas pris à l'extérieur de la maison	

GENRE DE DÉPENSES		PAR MOIS
59.	Articles ménagers divers	
60.	Coiffure, articles de toilette et articles divers	
61.	Blanchissage et nettoyage à sec	
62.	Autre (<i>Précisez. Joignez une autre feuille au besoin.</i>)	
Vêtements		
63.	Vêtements pour moi	
64.	Vêtements pour les enfants	
65.	Autre (<i>Précisez. Joignez une autre feuille au besoin.</i>)	
Transports		
66.	Transports en commun	
67.	Taxis	
68.	Assurance-automobile	
69.	Permis de conduire et immatriculation	
70.	Prêt-automobile	
71.	Entretien et réparation de la voiture	
72.	Essence et huile	

Suite à la page suivante ➡

Formule 13 : État financier (page 7)

Numéro de dossier du greffe

GENRE DE DÉPENSES		PAR MOIS
73.	Stationnement	
74.	Autre (Précisez. Joignez une autre feuille au besoin.)	
Soins de santé et soins médicaux		
75.	Soins dentaires ordinaires	
76.	Soins orthodontiques ou soins dentaires spéciaux	
77.	Médicaments	
78.	Lunettes ou verres de contact	
79.	Autre (Précisez. Joignez une autre feuille au besoin.)	
Divers		
80.	Primes d'assurance-vie ou d'assurance temporaire	
81.	Frais de scolarité, livres, etc.	
82.	Activités scolaires (projets spéciaux, sorties éducatives, etc.)	
83.	Repas pris à l'école	
84.	École confessionnelle	
85.	Sorties et loisirs	
86.	Vacances	
87.	Camp d'été pour les enfants	
88.	Activités pour les enfants (cours de musique, clubs, sports, bicyclettes)	
89.	Argent de poche pour les enfants	

GENRE DE DÉPENSES		PAR MOIS
90.	Gardiennage	
91.	Garderie	
92.	Livres pour la maison, journaux, revues, cassettes et disques audio et vidéo	
93.	Cadeaux	
94.	Oeuvres de bienfaisance	
95.	Alcool et tabac	
96.	Dépenses pour animaux domestiques	
97.	Aliments réellement versés dans la cause	
98.	Aliments réellement versés dans une autre cause	
99.	Impôt sur le revenu (non prélevé à la source)	
100.	Autre (Précisez. Joignez une autre feuille au besoin.)	
Remboursement de dettes (sauf les hypothèques)		
101.	Cartes de crédit (mais non pour les dépenses déjà mentionnées dans le présent état.)	
102.	Autre (Précisez. Joignez une autre feuille au besoin.)	
Épargne		
103.	R.E.É.R.	
104.	Autre (Précisez. Joignez une autre feuille au besoin.)	
105.	Total des numéros [46] à [104]	

RÉSUMÉ DU REVENU ET DES DÉPENSES

Revenu mensuel net (numéro [45] ci-dessus) = \$
 moins les dépenses mensuelles réelles (numéro [105]) = \$
EXCÉDENT/DÉFICIT MENSUEL RÉEL = \$

REMARQUE IMPORTANTE AU SUJET DE LA PROCHAINE SECTION

Si la cause porte sur une demande d'aliments dont le montant *diffère* de celui prévu dans le tableau figurant dans les lignes directrices sur les aliments pour les enfants (demande de supplément pour couvrir les dépenses spéciales ou extraordinaires de l'enfant ou des enfants; enfant de 18 ans ou plus; demande pour difficultés excessives; demande d'aliments en cas de garde exclusive ou partagée ou dans les cas où le revenu annuel du payeur dépasse 150 000 \$), VOUS DEVEZ ALORS REMPLIR ET JOINDRE LA SECTION 7.

Si, par contre, la demande d'aliments dans la cause correspond au montant prévu dans le tableau figurant dans les lignes directrices sur les aliments pour les enfants ou que la cause ne porte aucunement sur de tels aliments, sautez la section 7 et remplissez plutôt et joignez :

- soit les sections 8 à 10.
- soit les sections 11 à 16.

Voir les instructions au début de la section 8 ou 11 au sujet du choix que vous devez faire.

Suite à la page suivante ➔

Formule 13 : État financier (page 8)

Numéro de dossier du greffe

SECTION 7 : DÉPENSES DE L'ENFANT OU DES ENFANTS

REMARQUE : NE REMPLISSEZ LA SECTION 7 QUE SI LA CAUSE COMPREND UNE DEMANDE D'ALIMENTS DONT LE MONTANT DIFFÈRE DE CELUI PRÉVU DANS LE TABLEAU FIGURANT DANS LES LIGNES DIRECTRICES SUR LES ALIMENTS POUR LES ENFANTS (demande de supplément pour couvrir les dépenses spéciales ou extraordinaires de l'enfant ou des enfants; enfant de 18 ans ou plus; demande pour difficultés excessives; demande d'aliments en cas de garde exclusive ou partagée ou dans les cas où le revenu annuel du payeur est de 150 000 \$ ou plus).

Si la section 7 s'applique à cette cause, indiquez le pourcentage de vos frais de subsistance totaux réels par mois énoncés à la section 6 qui se rapportent à l'enfant ou aux enfants qui habitent chez vous. Si vous ne parvenez pas à établir la part d'une dépense particulière qui est attribuable à chaque enfant, indiquez le pourcentage qui vous semble le plus juste. S'il y a plus de trois enfants, joignez des feuilles supplémentaires.

GENRE DE DÉPENSES		% de la dépense attribuable à l'enfant			Total mensuel
		Nom :	Nom :	Nom :	
		Âge :	Âge :	Âge :	
Logement					
106	Loyer/hypothèque	%	%	%	\$
107	Impôts fonciers et municipaux				
108	Frais de condominium et dépenses communes				
109	Eau				
110	Électricité				
111	Chauffage (gaz naturel, mazout)				
112	Téléphone				
113	Câblodistribution et télévision payante				
114	Assurance-habitation				
115	Réparations domiciliaires, entretien, jardinage, déneigement, etc.				
Nourriture, articles de toilette et articles divers					
116	Épicerie				
117	Repas pris à l'extérieur de la maison				
118	Articles ménagers divers				
119	Coiffure, articles de toilette et articles divers				
120	Blanchissage et nettoyage à sec				
121	Autre (Précisez. Joignez une autre feuille au besoin.)				
Vêtements					
122	Vêtements pour les enfants				
123	Autre (Précisez. Joignez une autre feuille au besoin.)				
Transports					
124	Transports en commun				
125	Taxis				
126	Assurance-automobile				

Suite à la page suivante ➡

Formule 13 : État financier (page 9)

Numéro de dossier du greffe

GENRE DE DÉPENSES		% de la dépense attribuable à l'enfant			Total mensuel
		Nom :	Nom :	Nom :	
		Âge :	Âge :	Âge :	
127.	Permis de conduire et immatriculation				
128.	Prêt-automobile				
129.	Entretien et réparation de la voiture				
130.	Essence et huile				
131.	Stationnement				
132.	Autre (<i>Précisez. Joignez une autre feuille au besoin.</i>)				
Soins de santé et soins médicaux					
133.	Soins dentaires ordinaires				
134.	Soins orthodontiques ou soins dentaires spéciaux				
135.	Médicaments				
136.	Lunettes ou verres de contact				
137.	Autre (<i>Précisez. Joignez une autre feuille au besoin.</i>)				
Divers					
138.	Primes d'assurance-vie ou d'assurance temporaire				
139.	Frais de scolarité, livres, etc.				
140.	Résidence scolaire				
141.	Activités scolaires (<i>projets spéciaux, sorties éducatives, etc.</i>)				
142.	Repas pris à l'école				
143.	École confessionnelle				
144.	Sorties et loisirs				
145.	Vacances				
146.	Camp d'été pour les enfants				
147.	Activités pour les enfants (<i>cours de musique, clubs, sports, bicyclettes</i>)				
148.	Argent de poche pour les enfants				
149.	Gardiennage				
150.	Garderie				
151.	Livres pour la maison, journaux, revues, cassettes et disques audio et vidéo				
152.	Cadeaux pour les enfants				
153.	Cadeaux offerts par les enfants				

Formule 13 : État financier (page 10)

Numéro de dossier du greffe

GENRE DE DÉPENSES		% de la dépense attribuable à l'enfant			Total mensuel
		Nom :	Nom :	Nom :	
		Âge :	Âge :	Âge :	
154.	Oeuvres de bienfaisance				
155.	Dépenses pour animaux domestiques				
156.	Autre (Précisez. Joignez une autre feuille au besoin.)				
Remboursement de dettes (sauf l'hypothèque)					
157.	Cartes de crédit (mais non pour les dépenses déjà mentionnées dans le présent état.)				
158.	Autre (Précisez. Joignez une autre feuille au besoin.)				
Épargne					
159.	Autre (Précisez. Joignez une autre feuille au besoin.)				
160.	DÉPENSES MENSUELLES DE L'ENFANT OU DES ENFANTS - TOTAL DES NUMÉROS [106] À [159]				\$

REMARQUE IMPORTANTE AU SUJET DE LA PROCHAINE SECTION**VOUS DEVEZ MAINTENANT REMPLIR ET JOINDRE :**

- soit les sections 8 à 10.
- soit les sections 11 à 16.

Voir les instructions au début de la section 8 ou 11 au sujet du choix que vous devez faire.

Suite à la page suivante ➡

Numéro de dossier du greffe.

Formule 13 : État financier (page)

Numéro de dossier du greffe.

SECTION 8 b) : ARTICLES ET APPAREILS MÉNAGERS DIVERS ET VÉHICULES			
<i>Voitures, bateaux et autres véhicules</i>			
<i>Bijoux, objets d'art, appareils électroniques, outils, articles de sport et équipement de loisirs</i>			
<i>Autres articles spéciaux</i>			
162. VALEUR TOTALE DES ARTICLES ET APPAREILS MÉNAGERS DIVERS ET DES VÉHICULES			

SECTION 8 c) : COMPTES BANCAIRES ET ÉPARGNE			
Indiquez les articles dont vous êtes propriétaire par catégorie. Veuillez inclure les espèces, les comptes auprès d'établissements financiers, les régimes enregistrés d'épargne-retraite et autres, les récépissés de dépôt, les fonds de pension et toute autre forme d'épargne.			
Catégorie	ÉTABLISSEMENT	Numéro de compte	Montant
163. VALEUR TOTALE DES COMPTES ET DE L'ÉPARGNE			

Suite à la page suivante ➡

Formule 13 : État financier (page)

Numéro de dossier du greffe,

SECTION 8 d) : VALEURS MOBILIÈRES			
Indiquez les articles dont vous êtes propriétaire par catégorie. Veuillez inclure les obligations, les bons de souscription, les droits d'option, les billets et autres valeurs. Indiquez à combien se situerait la valeur marchande, selon votre estimation la plus juste, si ces articles devaient être vendus sur le marché libre.			
Catégorie	Nombre	Description	Valeur marchande estimative
164. VALEUR TOTALE DES VALEURS MOBILIÈRES			

SECTION 8 e) : ASSURANCE-VIE ET INVALIDITÉ					
Énumérez toutes les polices en vigueur.					
Compagnie et numéro de police	Genre de police	Titulaire	Bénéficiaire	Capital assuré	Valeur de rachat actuelle
165. VALEUR DE RACHAT TOTALE DES POLICES D'ASSURANCE					

SECTION 8 f) : INTÉRÊTS DANS UNE ENTREPRISE		
Indiquez tout intérêt dont vous êtes actuellement propriétaire dans une entreprise non constituée en personne morale. Un intérêt majoritaire dans une entreprise constituée en personne morale peut être indiqué ici ou à la section 8 d) sous la rubrique «Valeurs mobilières». Indiquez à combien se situerait la valeur marchande de votre intérêt, selon votre estimation la plus juste, si l'entreprise devait être vendue sur le marché libre.		
Nom de l'entreprise ou de la compagnie	Intérêt	Valeur marchande estimative de VOTRE intérêt
166. VALEUR TOTALE DE VOS INTÉRÊTS DANS UNE ENTREPRISE		

Suite à la page suivante ➡

Formule 13 : État financier (page)

Numéro de dossier du greffe.


SECTION 9 : DETTES ET AUTRES OBLIGATIONS		
<p>Indiquez les dettes et autres obligations que vous avez actuellement, que ce soit dans le cadre d'activités commerciales ou à titre personnel. Énumérez-les par catégorie, par exemple les hypothèques, charges, privilèges, billets, cartes de crédit et sommes à payer. N'oubliez pas d'inclure :</p> <ul style="list-style-type: none"> • toute somme que vous devez à Revenu Canada, le cas échéant; • les obligations éventuelles comme les garanties que vous avez données (en précisant qu'elles sont éventuelles), • les frais de justice ou les honoraires non payés découlant de cette cause. 		
CATÉGORIE	PRÉCISIONS	Montant de la dette
170. VALEUR TOTALE DES DETTES ET AUTRES OBLIGATIONS		


SECTION 10 : RÉSUMÉ DES AVOIRS ET DES OBLIGATIONS	
	Sommes
VALEUR TOTALE DES AVOIRS (numéro [169] ci-dessus)	\$
moins VALEUR TOTALE DES OBLIGATIONS (numéro [170] ci-dessus)	\$
171. VALEUR NETTE	\$

REMARQUE : Si vous avez rempli les sections 8 à 10, cette page-ci est la dernière, mis à part les autres documents que vous devez joindre (tels les déclarations de revenus). Veuillez ne pas remplir ni joindre les sections 11 à 16.

Formule 13 : État financier (page)

Numéro de dossier du greffe,

SECTION 11 b) : ARTICLES ET APPAREILS MÉNAGERS DIVERS ET VÉHICULES					
Voitures, bateaux et autres véhicules					
Bijoux, objets d'art, appareils électroniques, outils, articles de sport et équipement de loi- sirs					
Autres articles spé- ciaux					
173. VALEUR TOTALE DES ARTICLES ET APPAREILS MÉNAGERS DIVERS ET DES VÉHICULES				\$	

SECTION 11 c) : COMPTES BANCAIRES ET ÉPARGNE					
Indiquez les articles dont vous étiez propriétaire à la date d'évaluation par catégorie. Veuillez inclure les espèces, les comptes auprès d'établissements financiers, les régimes enregistrés d'épargne-retraite et autres, les récépissés de dépôt, les fonds de pension et toute autre forme d'épargne.					
Catégorie	ÉTABLISSEMENT	Numéro de compte	Montant		
			à la date du mariage	à la date d'évaluation	aujourd'hui
174. VALEUR TOTALE DES COMPTES ET DE L'ÉPARGNE				\$	

Suite à la page suivante ➡

Formule 13 : État financier (page)

Numéro de dossier du greffe.

SECTION 11 d) : VALEURS MOBILIÈRES					
Indiquez les articles dont vous étiez propriétaire à la date d'évaluation par catégorie. Veuillez inclure les obligations, les bons de souscription, les droits d'option, les billets et autres valeurs. Indiquez à combien se situerait la valeur marchande, selon votre estimation la plus juste, si ces articles devaient être vendus sur le marché libre.					
Catégorie	Nombre	Description	Valeur marchande estimative		
			à la date du mariage	à la date d'évaluation	aujourd'hui
175. VALEUR TOTALE DES VALEURS MOBILIÈRES			\$		

SECTION 11 e) : ASSURANCE-VIE ET INVALIDITÉ							
Énumérez toutes les polices en vigueur							
Compagnie et numéro de police	Genre de police	Titulaire	Bénéficiaire	Capital assuré	Valeur de rachat		
					à la date du mariage	à la date d'évaluation	aujourd'hui
176. VALEUR DE RACHAT TOTALE DES POLICES D'ASSURANCE					\$		

Suite à la page suivante ➡

Formule 13 : État financier (page)

Numéro de dossier du greffe.

SECTION 11 f) : INTÉRÊTS DANS UNE ENTREPRISE				
Indiquez tout intérêt dont vous étiez propriétaire à la date d'évaluation dans une entreprise non constituée en personne morale. Un intérêt majoritaire dans une entreprise constituée en personne morale peut être indiqué ici ou à la section 11 d) sous la rubrique «Valeurs mobilières». Indiquez à combien se situerait la valeur marchande de votre intérêt, selon votre estimation la plus juste, si l'entreprise devait être vendue sur le marché libre.				
Nom de l'entreprise ou de la compagnie	Intérêt	Valeur marchande estimative de VOTRE Intérêt		
		à la date du mariage	à la date d'évaluation	aujourd'hui
177. VALEUR TOTALE DE VOS INTÉRÊTS DANS UNE ENTREPRISE			\$	

SECTION 11 g) : CRÉANCES			
Donnez des précisions sur toutes les sommes que d'autres personnes vous devaient à la date d'évaluation, que ce soit dans le cadre d'activités commerciales ou à titre personnel. Veuillez inclure tout jugement du tribunal rendu en votre faveur et toute somme à laquelle vous avez droit dans le cadre d'une succession.			
PRÉCISIONS	Montant de la créance		
	à la date du mariage	à la date d'évaluation	aujourd'hui
178. TOTAL DES CRÉANCES			\$

Formule 13 : État financier (page)

Numéro de dossier du greffe.

SECTION 11 h) : AUTRES BIENS				
Énumérez les autres biens ou avoirs dont vous étiez propriétaire à la date d'évaluation et que vous n'avez pas mentionnés plus haut. Indiquez la valeur marchande qui vous semble la plus juste.				
CATÉGORIE	PRÉCISIONS	Valeur marchande estimative de VOTRE intérêt		
		à la date du mariage	à la date d'évaluation	aujourd'hui
179. VALEUR TOTALE DES AUTRES BIENS			\$	
180. VALEUR DE TOUS LES BIENS DONT VOUS ÉTIEZ PROPRIÉTAIRE À LA DATE D'ÉVALUATION <i>Additionnez les numéros [172] à [179]</i>			\$	

SECTION 12 : DETTES ET AUTRES OBLIGATIONS				
Indiquez les dettes et autres obligations que vous aviez à la date d'évaluation, <i>que ce soit dans le cadre d'activités commerciales ou à titre personnel</i> . Énumérez-les par catégorie, par exemple les hypothèques, charges, privilèges, billets, cartes de crédit et sommes à payer. N'oubliez pas d'inclure :				
<ul style="list-style-type: none"> • toute somme que vous devez à Revenu Canada, le cas échéant; • les obligations éventuelles comme les garanties que vous avez données (en précisant qu'elles sont éventuelles); • les frais de justice ou les honoraires non payés découlant de cette cause. 				
CATÉGORIE	PRÉCISIONS	Montant de la dette		
		à la date du mariage	à la date d'évaluation	aujourd'hui
181. VALEUR TOTALE DES DETTES ET AUTRES OBLIGATIONS			\$	

Suite à la page suivante ➡

Formule 13 : État financier (page)

Numéro de dossier du greffe.

SECTION 13 : BIENS, DETTES ET AUTRES OBLIGATIONS À LA DATE DU MARIAGE		
Indiquez par catégorie la valeur de vos biens et de vos dettes et autres obligations, <i>calculée à la date de votre mariage</i> . VEUILLEZ NE PAS INCLURE LA VALEUR D'UN FOYER CONJUGAL DONT VOUS ÉTIEZ PROPRIÉTAIRE À CE MOMENT-LÀ.		
CATÉGORIE ET PRÉCISIONS	Valeur à la date du mariage	
	Avoirs	Obligations
Biens-fonds (<i>sauf un foyer conjugal dont vous étiez propriétaire à la date du mariage, à moins qu'il n'ait été vendu avant la date de séparation</i>)		
Articles et appareils ménagers divers et véhicules		
Comptes bancaires et épargne		
Valeurs mobilières		
Assurance-vie et invalidité		
Intérêts dans une entreprise		
Créances		
Autres biens (<i>Précisez.</i>)		
Dettes et autres obligations (<i>Précisez.</i>)		
TOTAUX	\$	\$
182. VALEUR NETTE DES BIENS DONT VOUS ÉTIEZ PROPRIÉTAIRE À LA DATE DU MARIAGE (<i>Soustrayez le total indiqué dans la colonne «Obligations» du total indiqué dans la colonne «Avoirs».</i>)	\$	
183. VALEUR DE TOUTES LES DÉDUCTIONS (<i>Additionnez les numéros [181] et [182].</i>)	\$	

SECTION 14 : BIENS EXCLUS		
Indiquez par catégorie la valeur des biens dont vous étiez propriétaire à la date d'évaluation et qui sont exclus de la définition de «biens familiaux nets» (comme les cadeaux ou les héritages que vous avez reçus après votre mariage).		
CATÉGORIE	PRÉCISIONS	Valeur à la date d'évaluation
184. VALEUR TOTALE DES BIENS EXCLUS		\$

Suite à la page suivante ➡

Formule 13 : État financier (page)

Numéro de dossier du greffe.

SECTION 15 : BIENS DONT IL A ÉTÉ DISPOSÉ		
Indiquez par catégorie la valeur des biens dont vous avez disposé pendant les deux années qui ont précédé immédiatement la séparation.		
CATÉGORIE	PRÉCISIONS	VALEUR
185. VALEUR TOTALE DES BIENS DONT IL A ÉTÉ DISPOSÉ		\$

SECTION 16 : CALCUL DES BIENS FAMILIAUX NETS		
	Déductions	SOLDE
Valeur de tous les biens dont vous étiez propriétaire à la date d'évaluation (numéro [180] ci-dessus)		\$
moins Valeur de toutes les déductions (numéro [183] ci-dessus)	\$	\$
moins Valeur de tous les biens exclus (numéro [184] ci-dessus)	\$	\$
186. BIENS FAMILIAUX NETS		\$

Numéro de dossier du greffe

(Nom du tribunal)

situé(e) au

Adresse du greffe

**Formule 13A : Directive à
l'intention du ministère
du Revenu national, Impôt****Requérant(e)(s)**

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Intimé(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

AU MINISTÈRE DU REVENU NATIONAL :

Je m'appelle (nom et prénom officiels)

J'habite au (dernière adresse connue figurant dans les dossiers d'impôt)

Mon numéro d'assurance sociale est le suivant :

JE VOUS DEMANDE ET VOUS donne l'autorisation d'envoyer à (nom et adresse)

- une copie de ce qui suit :
- a) mes déclarations de revenus pour les années. ;
 - b) les pièces que j'ai jointes à chacune des déclarations pour ces mêmes années;
 - c) les avis de cotisation ou de nouvelle cotisation provenant du ministère pour ces mêmes années.

Signature du contribuable

Date de la signature

Numéro de dossier du greffe

(Nom du tribunal)

Formule 13B : État des biens familiaux nets

situé(e) au

Adresse du greffe

Requérant(e)(s)

<i>Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i>	<i>Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i>
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Intimé(e)(s)

<i>Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i>	<i>Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i>
--	---

Je m'appelle (nom et prénom officiels)

La date d'évaluation pour les articles suivants est le (date)

(Remplissez les tableaux et inscrivez dans les colonnes réservées à l'époux et à l'épouse la valeur de vos avoirs et de vos dettes et de ceux de votre conjoint.)

Tableau 1 : Valeur des avoirs dont vous étiez propriétaire à la date d'évaluation (Énumérez-les dans l'ordre des catégories figurant dans l'état financier.)		
ARTICLE	ÉPOUX	ÉPOUSE
1.	\$	\$
TOTAL 1		

Suite à la page suivante ➡

Numéro de dossier du greffe

ARTICLE	ÉPOUX	ÉPOUSE
	\$	\$
TOTAL 2		

ARTICLE	ÉPOUX	ÉPOUSE
	\$	\$
TOTAL 3		

587

Formule 13B : État des biens familiaux nets (page 3)

Numéro de dossier du greffe

Tableau 4 : Valeur des biens exclus aux termes du paragraphe 4 (2) de la <i>Loi sur le droit de la famille</i> (Énumérez-les dans l'ordre des catégories figurant dans l'état financier.)		
ARTICLE	ÉPOUX	ÉPOUSE
	\$	\$
TOTAL 4		

TOTAL 2		
TOTAL 3		
TOTAL 4		
TOTAL 5 ([Total 2] + [Total 3] + [Total 4])		

TOTAL 1		
TOTAL 5		
TOTAL 6: BIENS FAMILIAUX NETS ([Total 1] moins [Total 5])		

Signature

Date de la signature

Numéro de dossier du greffe

(Nom du tribunal)

**Formule 14 : Avis
de motion**

situé(e) au

Adresse du greffe

Requérant(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Intimé(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

AUX PARTIES :**LE TRIBUNAL ENTENDRA UNE MOTION le (date) à (heure) ou dès que possible par la suite, au : (lieu de l'audience)**

La personne qui présente la motion ou son avocat doit communiquer avec le greffier du tribunal par téléphone ou autrement pour fixer les date et heure auxquelles le tribunal pourra entendre la motion.

La motion sera présentée par (nom de la personne) qui demandera une ordonnance au tribunal pour le ou les points mentionnés plus bas.

- ☐ Une copie de l'affidavit ou des affidavits à l'appui de la motion est signifiée avec le présent avis.
- ☐ Un avis de conférence relative à la cause visant à modifier une ordonnance est signifié avec le présent avis.

Si ces documents sont omis, vous devriez communiquer avec le greffe immédiatement.

La personne qui présente la motion se fonde également sur les documents suivants qui se trouvent dans le dossier continu : (Énumérez les documents.)

Si vous désirez vous opposer à la motion ou donner votre point de vue, vous devriez parler à votre avocat et préparer votre propre affidavit, le signifier à toutes les autres parties au plus tard 4 jours avant la date indiquée ci-dessus et le déposer au greffe au plus tard 2 jours avant cette date. À l'audition d'une motion, seules les preuves écrites et les preuves par affidavit sont admises, à moins que le tribunal n'autorise les témoignages oraux. Vous pouvez vous faire accompagner par votre avocat.

SI VOUS NE VOUS PRÉSENTEZ PAS À L'AUDIENCE, LE TRIBUNAL PEUT RENDRE UNE ORDONNANCE SANS VOUS ET L'EXÉCUTER CONTRE VOUS.

Date de la signature

Signature de la personne qui présente la motion
ou de son avocat(e)

Dactylographiez ou écrivez en caractères d'imprimerie le nom de la personne ou de son avocat(e), son adresse aux fins de signification, ses numéros de téléphone et de télécopieur et son adresse électronique (le cas échéant).

AVIS À LA PERSONNE QUI PRÉSENTE LA MOTION : Vous DEVEZ déposer une confirmation (formule 14C) au plus tard à 14 heures la veille de la date indiquée ci-dessus. Si la motion a pour but de modifier les paiements passés et futurs d'aliments prévus par une ordonnance qui a été cédée à un organisme gouvernemental, vous devez également lui signifier le présent avis. Si vous ne le faites pas, l'organisme peut demander au tribunal d'annuler toute ordonnance qui est rendue par suite de la motion et de vous condamner aux dépens.

Suite à la page suivante ➔

Formule 14 : Avis de motion (page 2)

Numéro de dossier du greffe.

Indiquez l'ordonnance ou les ordonnances que vous demandez au moyen de la motion.

REMARQUE : Vous devez joindre un *Résumé des causes* (formule 8E) au présent avis de motion.

Numéro de dossier du greffe

(Nom du tribunal)

Formule 14A : Affidavit
(formule générale) daté dusitué(e) au _____
Adresse du greffe**Requérant(e)(s)**

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Intimé(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Je m'appelle (nom et prénom officiels)**J'habite à** (municipalité et province)**et je déclare sous serment/j'affirme solennellement que les renseignements suivants sont véridiques :**

Énumérez les déclarations de fait sous forme de paragraphes numérotés consécutivement. Si possible, chaque paragraphe devrait consister en une seule phrase et se limiter à une déclaration de fait particulière. Si vous avez appris le fait d'une autre personne, vous devez donner son nom et indiquer que vous tenez ce fait pour véridique.

1.

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page.

Suite à la page suivante ➡

Formule 14A : Affidavit (formule générale)
daté du (date) (page 2)

Numéro de dossier du greffe

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page.

Déclaré sous serment/Affirmé solennellement devant moi à
municipalité

en/à/au
province, État ou pays

le
date

Commissaire aux affidavits

(Dactylographiez le nom ou écrivez-le en caractères d'imprimerie ci-dessous si la signature est illisible.)

Signature

(La présente formule doit être signée en présence d'un avocat, d'un juge de paix, d'un notaire ou d'un commissaire aux affidavits.)

Numéro de dossier du greffe

(Nom du tribunal)

**Formule 14B : Formule
de motion — pour les
questions simples**

situé(e) au

Adresse du greffe

Nom des parties :

Requérant(e) :

Intimé(e) :

Nom du ou de la juge responsable

Date d'audience :

de la gestion de la cause :

La présente formule est remplie par :☐ le/la requérant(e) ☐ l'intimé(e) ☐ autre (Précisez.)**La présente motion est présentée :**☐ avec le consentement de toutes les personnes concernées ☐ avec préavis à toutes les personnes concernées — sans contestation☐ avec préavis à toutes les personnes concernées — contestation anticipée☐ sans préavis

Avis à la personne qui présente la motion : S'il s'agit d'une motion en vue de modifier le montant des aliments passés et futurs aux termes d'une ordonnance dont l'exécution est confiée à un organisme gouvernemental, vous devez également signifier le présent avis à cet organisme. Si vous ne le faites pas, l'organisme peut demander au tribunal d'annuler toute ordonnance que vous pourriez obtenir par voie de la présente motion et lui demander de vous condamner aux dépens.

Ordonnance que vous demandez au tribunal : (Au besoin, ajoutez une feuille supplémentaire, mais ne modifiez en rien la présente formule.)

Lois et règles sur lesquelles vous vous fondez : (Indiquez le titre de la loi et les numéros d'article, le titre du règlement et les numéros d'article ainsi que les numéros de règle.)

Suite à la page suivante ➡

Formule 14B : Formule de motion (page 2)

Numéro de dossier du greffe

Je demande au tribunal de traiter la présente motion :

☐ en se fondant uniquement sur des documents écrits.☐ à une audience à laquelle peuvent se présenter les personnes concernées.☐ par voie de conférence téléphonique (Il faut prendre rendez-vous pour une telle conférence; voir la règle 14 des Règles en matière de droit de la famille.)

Aux fins de la présente motion, je me fonde sur les documents suivants :

☐ Les onglets/pages du dossier continu☐ Les pages de la transcription du témoignage de (nom de la personne)
....., datée du

(Les parties pertinentes de la transcription doivent être mises en évidence.)

Avocat de la présente partie (Indiquez le nom de votre avocat(e), son cabinet, ses numéros de téléphone et de télécopieur et son adresse électronique. Si vous n'avez pas d'avocat, indiquez votre nom, votre adresse aux fins de signification, vos numéros de téléphone et de télécopieur et votre adresse électronique.)

Avocat de l'autre partie (Indiquez le nom de l'avocat(e) de l'autre partie, son cabinet, ses numéros de téléphone et de télécopieur et son adresse électronique. Si elle n'a pas d'avocat, indiquez son nom, son adresse aux fins de signification, ses numéros de téléphone et de télécopieur et son adresse électronique.)

Signature

Date de la signature

Numéro de dossier du greffe

(Nom du tribunal)

**Formule 14C :
Confirmation**

situé(e) au

Adresse du greffe

Requérant(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Intimé(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

1. Je m'appelle (nom et prénom officiels)
et je suis ☐ l'avocat(e) de (nom)
☐ (Autre. Précisez.)
2. ☐ Je n'ai pas pu communiquer avec l'avocat(e) de la partie adverse dans cette cause ni avec la partie même pour confirmer les questions énoncées aux points 3 à 7 ci-dessous parce que : (Donnez les raisons pour lesquelles vous n'avez pu communiquer avec l'autre partie.)

☐ J'ai communiqué avec l'avocat(e) de la partie adverse ou avec la partie même et confirmé les questions énoncées aux points 3 à 7 ci-dessous.
3. Les date et heure de cette :
☐ motion ☐ conférence de cas ☐ conférence en vue d'un règlement ☐ conférence de gestion du procès
sont le (date) à (heure)
4. Cette affaire va de l'avant ☐ à l'égard de toutes les questions en litige.
☐ à l'égard des questions en litige suivantes seulement : (Précisez.)

☐ en vue d'obtenir une ordonnance de consentement relativement à (Précisez.)
☐ en vue d'obtenir un ajournement sur consentement au (date) parce que
(Indiquez les motifs de l'ajournement.)

☐ en vue d'obtenir un ajournement contesté au (date) demandé par
(nom de la personne qui demande l'ajournement) parce que
(Indiquez les motifs de l'ajournement.)
5. Le juge devrait lire les pages/onglets. du dossier continu.
6. Durée estimative : ☐ requérant(e) minutes; ☐ intimé(e) minutes.

Formule 14C : Confirmation (page 2)

Numéro de dossier du greffe

7. Le ou la juge responsable de la gestion de la cause est (*nom du juge*)

Signature de l'avocat(e) ou de la partie

Date de la signature



Numéro de dossier du greffe

(Nom du tribunal)

**Formule 14D : Ordon-
nance sur motion pré-
sentée sans préavis**

situé(e) au

Adresse du greffe

Requérant(e)(s)

Nom et prénom officiels et adresse aux fins de signification —
numéro et rue, municipalité, code postal, numéros de téléphone
et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité,
code postal, numéros de téléphone et de télécopieur et adresse
électronique (le cas échéant).

Juge (Imprimez le nom en
caractères d'imprimerie ou
dactylographiez-le)

Intimé(e)(s)

Nom et prénom officiels et adresse aux fins de signification —
numéro et rue, municipalité, code postal, numéros de téléphone
et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité,
code postal, numéros de téléphone et de télécopieur et adresse
électronique (le cas échéant).

Date de l'ordonnance

Le tribunal a entendu une motion présentée par (nom de la ou des personnes qui ont présenté la motion)

sans en donner préavis à (nom)

Les personnes suivantes étaient présentes au tribunal (nom des parties et des avocats présents au tribunal au moment de l'audition de la motion)

Aux fins de la motion, le tribunal a lu (énumérez les documents déposés à l'appui de la motion)

Le tribunal a également reçu et entendu des observations pour le compte de (nom(s))

LE TRIBUNAL ORDONNE CE QUI SUIIT :

Tracez une ligne horizontale en travers de tout espace laissé en
blanc sur la présente page.

Suite à la page suivante ➡

**Formule 14D : Ordonnance sur motion présentée
sans préavis (page 2)**

Numéro de dossier du greffe

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page.

Date de la signature

Signature du juge ou du greffier du tribunal

AVIS À (nom)

La présente ordonnance a été rendue sans qu'il vous en soit donné préavis. Si vous désirez que le tribunal la modifie, vous devez agir aussi rapidement que possible après que vous en aurez pris connaissance, en signifiant un affidavit et un avis de motion aux autres parties et en les déposant au greffe avec une preuve de leur signification.

Numéro de dossier du greffe

(Nom du tribunal)

situé(e) au

Adresse du greffe

**Formule 15 : Formule
de renseignements visant
une modification (motion
en modification des
aliments pour les enfants)**

Bénéficiaire(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Payeur ou payeuse

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

SECTION 1 — RENSEIGNEMENTS GÉNÉRAUX

(La partie qui demande la modification de l'ordonnance alimentaire doit remplir cette section au mieux de ses compétences.)

Je m'appelle (nom et prénom officiels)

J'habite à (municipalité et province)

et je déclare sous serment/j'affirme solennellement que les renseignements suivants sont véridiques :

1. Je suis ☐ le ou la bénéficiaire des aliments ☐ le payeur ou la payeuse des aliments
2. Le payeur ou la payeuse, (nom et prénom officiels) _____ , habite à (municipalité et province) _____
est né(e) le (date de naissance) _____
et, à l'heure actuelle : ☐ est marié(e) ☐ vit dans une union conjugale
☐ est séparé(e) ☐ (Autre. Précisez.) _____
3. Le ou la bénéficiaire, (nom et prénom officiels) _____ , habite à (municipalité et province) _____
est né(e) le (date de naissance) _____
et, à l'heure actuelle ☐ est marié(e) ☐ vit dans une union conjugale
☐ est séparé(e) ☐ (Autre. Précisez.) _____
4. Le payeur ou la payeuse et le ou la bénéficiaire :
☐ se sont mariés le (date) _____ ☐ ont commencé à vivre ensemble le (date) _____
☐ se sont séparés le (date) _____ ☐ n'ont jamais vécu ensemble
5. Le tableau suivant donne les renseignements de base au sujet de l'enfant ou des enfants concernés par cette cause :
Énumérez tous les enfants concernés, même ceux pour lesquels des aliments ne sont pas demandés.

Suite à la page suivante ➡

**Formule 15 : Formule de renseignements
visant une modification (motion en modification des
aliments pour les enfants) (page 2)**

Numéro de dossier du greffe

Nom et prénom officiels de l'enfant	Âge	Date de naissance	Habite à (municipalité et province)	Habite maintenant avec (nom de la personne et lien de parenté avec l'enfant)	Des aliments sont-ils demandés? (OUI ou NON)

6. Les arrangements quant au droit de visite sont les suivants :

Nom de l'enfant	Arrangements quant au droit de visite

7. Je joins une copie de ☐ l'ordonnance
☐ l'accord

qui traite des aliments à modifier, dont voici les précisions :

Date de l'ordonnance ou de l'accord	Aliments actuels	Autres conditions des aliments (comme les augmentations au coût de la vie)	Aliments actuels pour le conjoint, le cas échéant
	..... \$ par .....		..... \$ par

8. Voici où en sont les paiements prévus par l'ordonnance ou l'accord :

Aliments pour les enfants dus au ou à la bénéficiaire	Aliments pour les enfants dus à d'autres (comme le ministère des Services sociaux et communautaires)	Aliments pour le conjoint dus au ou à la bénéficiaire	Aliments pour le conjoint dus à d'autres (comme le ministère des Services sociaux et communautaires)
\$	\$	\$	\$

(Si une somme est due, joignez un état des sommes dues (formule 26).)

Suite à la page suivante ➡

**Formule 15 : Formule de renseignements
visant une modification (motion en modification des
aliments pour les enfants) (page 3)**

Numéro de dossier du greffe

9. L'ordonnance ou l'accord ☐ n'a jamais été
☐ a été

cédé ☐ au ministère des Services sociaux et communautaires de l'Ontario
☐ à la municipalité de (nom)
☐ (Autre. Précisez.)

Les détails de cette cession sont les suivants : (Indiquez la date de la cession, dites si elle est toujours en vigueur et ajoutez tout autre renseignement dont vous avez connaissance.)

10. Je demande la modification des aliments indiqués dans l'ordonnance ou l'accord parce que :

- ☐ l'ordonnance a été rendue ou l'accord a été conclu avant l'entrée en vigueur des lignes directrices applicables sur les aliments pour les enfants.
☐ un changement important de circonstances est survenu. (Précisez la nature du changement)

11. Je demande que les aliments soient calculés comme suit :

- ☐ la somme de base figurant dans la table des lignes directrices sur les aliments pour les enfants, soit \$ (indiquez le montant si possible) par mois pour (nombre d'enfants) enfant(s) compte tenu du revenu annuel total de \$ (indiquez le montant si possible) du payeur ou de la payeuse, à compter du (date)
☐ les dépenses spéciales ou extraordinaires suivantes (suppléments)

Nom de l'enfant	Genre de dépense	Somme	Part du payeur ou de la payeuse	Contribution de l'enfant	Date d'échéance (si elle est connue)
		\$	\$	\$	
		\$	\$	\$	
		\$	\$	\$	

- ☐ une somme de \$ par mois, qui est différente de celle figurant dans la table des lignes directrices sur les aliments pour les enfants, à compter du (date)

Je demande une somme différente pour la ou les raisons suivantes :

- ☐ les parties consentent à une somme différente.
☐ Je joins une feuille distincte où j'explique pourquoi cet arrangement est raisonnable pour l'enfant ou les enfants.
☐ Le ou la bénéficiaire reçoit des prestations d'aide sociale d'un organisme public qui doit consentir à cet arrangement. Je joins son consentement à la présente formule.
- ☐ comme le montrent les points 5 et 6 ci-dessus, les parties ont la garde partagée de l'enfant ou des enfants (le payeur ou la payeuse a un enfant avec lui ou elle au moins 40 % du temps)
☐ Je joins une feuille distincte où je compare les sommes figurant dans la table des lignes directrices sur les aliments pour les enfants pour chacune des parties et où je montre l'augmentation du coût de l'arrangement quant à la garde partagée ainsi que la situation financière de chaque partie et de chaque enfant pour lequel des aliments sont demandés.
☐ Les parties consentent à cet arrangement et je joins une feuille distincte où j'explique pourquoi il est raisonnable pour l'enfant ou les enfants.
- ☐ comme le montre le point 5 ci-dessus, les parties ont chacune la garde d'un ou de plusieurs enfants. Je joins une feuille distincte où j'indique la différence entre la somme que chaque partie paie actuellement et la somme qu'elle

Suite à la page suivante ➡

**Formule 15 : Formule de renseignements
visant une modification (motion en modification des
aliments pour les enfants) (page 4)**

Numéro de dossier du greffe

aurait à payer à l'autre autrement aux termes des lignes directrices.

- ☐ un enfant a 18 ans ou plus et je joins une feuille distincte où j'indique le montant des aliments pour cet enfant.
- ☐ un enfant subvient en partie à ses besoins et je joins une feuille distincte où j'indique son revenu.
- ☐ le revenu annuel du payeur ou de la payeuse dépasse 150 000 \$ et je joins une feuille distincte où j'indique le montant des aliments que je désire voir inclure dans une ordonnance.
- ☐ aux termes de l'ordonnance ou de l'accord, (*nom de l'enfant*) fait l'objet de dispositions spéciales que j'explique sur une feuille distincte ci-jointe.
- ☐ le payeur ou la payeuse tient lieu de père naturel ou de mère naturelle de (*nom de l'enfant*) et je joins une feuille distincte où je précise l'obligation qu'a un autre père ou une autre mère de payer des aliments pour cet enfant et où j'indique le montant des aliments demandés.
- ☐ la somme indiquée dans les lignes directrices sur les aliments pour les enfants nous occasionnerait des difficultés excessives, à moi-même ou à l'enfant ou aux enfants pour lesquels les aliments sont demandés. Je joins une feuille distincte où je compare le niveau de vie des parties.

12. Je demande que les aliments dus soient payés comme suit :

- ☐ les aliments dus à (*nom du ou de la bénéficiaire*) devraient être fixés à \$
au (*date*) et être payés à raison de \$
par mois à compter du (*date*)
- ☐ les aliments qui sont dus à (*nom de l'organisme ou de l'autre personne*) devraient être fixés à \$
au (*date*) et être payés à raison de \$
par mois à compter du (*date*)

Déclaré sous serment/Affirmé solennellement devant moi à
municipalité

à/en/au
province, État ou pays

le
date
Commissaire aux affidavits
(Dactylographiez le nom ou écrivez-le en caractères d'imprimerie ci-dessous si la signature est illisible.)

Signature

(La présente formule doit être signée en présence d'un avocat, d'un juge de paix, d'un notaire ou d'un commissaire aux affidavits.)

SECTION 2 — RENSEIGNEMENTS SUR LE PAYEUR OU LA PAYEUSE DES ALIMENTS

Je m'appelle (*nom et prénom officiels*)

J'habite à (*municipalité et province*)

et je déclare sous serment/j'affirme solennellement que les renseignements suivants sont véridiques :

13. Je suis le payeur ou la payeuse des aliments dans cette cause.

14. Mon revenu total sera de \$ cette année.

15. Compte tenu de mon revenu annuel, la somme qui figure dans la table des lignes directrices sur les aliments pour les enfants à l'égard de (*nombre d'enfants*)
enfant(s) est de \$ par mois.

16. Mon état financier ☐ est joint ☐ n'est pas joint.

(REMARQUE : Vous n'avez pas besoin de joindre d'état financiers si vous-même et l'autre partie avez signé un consentement selon la formule 15A. Néanmoins, étant donné que les lignes directrices sur les aliments pour les enfants établissent une nouvelle façon de calculer le montant des aliments, VOUS DEVEZ FOURNIR AU TRIBUNAL DE NOUVEAUX RENSEIGNEMENTS SUPPLÉMENTAIRES. Ce montant figure dans une table qui tient compte du revenu annuel du payeur ou de la payeuse et du nombre d'enfants qui ont droit à des aliments. Dans certaines conditions, il peut également être tenu compte du revenu annuel du ou de la bénéficiaire, qui doit alors fournir au tribunal les mêmes renseignements supplémentaires aux points 19 et 20 ci-dessous.)

17. Je joins les renseignements financiers suivants à mon sujet :

Suite à la page suivante ➡

**Formule 15 : Formule de renseignements
visant une modification (motion en modification des
aliments pour les enfants) (page 5)**

Numéro de dossier du greffe

- a) une copie des déclarations de revenus personnelles que j'ai remises à Revenu Canada pour les 3 dernières années d'imposition;
- b) une copie des avis de cotisation ou de nouvelle cotisation que j'ai reçus de Revenu Canada à l'égard de ces déclarations;
- c) ☐ [ne s'applique que si vous êtes un(e) employé(e)] une preuve des gains que j'ai tirés d'un emploi cette année comme l'exige l'alinéa 21 (1) c) des lignes directrices sur les aliments pour les enfants.
- ☐ [ne s'applique que si vous êtes un travailleur/un(e) travailleur(e) indépendant(e), si vous êtes membre d'une société de personnes ou si vous contrôlez une société ou êtes bénéficiaire d'une fiducie] les documents énumérés à l'alinéa 21 (1) d), e), f) ou g) des lignes directrices sur les aliments pour les enfants.

Déclaré sous serment/Affirmé solennellement devant moi à
municipalité

à/en/au
province, État ou pays

le
date

Commissaire aux affidavits
(Dactylographiez le nom ou écrivez-le en caractères d'imprimerie ci-dessous si la signature est illisible.)

Signature
(La présente formule doit être signée en présence d'un avocat, d'un juge de paix, d'un notaire ou d'un commissaire aux affidavits.)

**Formule 15 : Formule de renseignements
visant une modification (motion en modification des
aliments pour les enfants) (page 6)**

Numéro de dossier du greffe

SECTION 3 — RENSEIGNEMENTS SUR LE OU LA BÉNÉFICIAIRE DES ALIMENTS

Étant donné que les lignes directrices sur les aliments pour les enfants établissent une nouvelle façon de calculer le montant des aliments, VOUS DEVEZ FOURNIR AU TRIBUNAL DE NOUVEAUX RENSEIGNEMENTS SUPPLÉMENTAIRES. Ce montant figure dans une table qui tient compte du revenu annuel du payeur ou de la payeuse et du nombre d'enfants qui ont droit à des aliments. Dans certaines conditions, il peut également être tenu compte du revenu annuel du ou de la bénéficiaire, qui doit alors fournir au tribunal les mêmes renseignements supplémentaires aux points 19 et 20 ci-dessous.

Je m'appelle (nom et prénom officiels)

J'habite à (municipalité et province)

et je déclare sous serment/j'affirme solennellement que les renseignements suivants sont véridiques :

18. Je suis le ou la bénéficiaire des aliments dans cette cause.

Remplir les points 19 et 20 seulement si :

- vous demandez une somme différente de celle qui est calculée à partir de la table pertinente des lignes directrices sur les aliments pour les enfants;
- la modification que vous demandez concerne un enfant de plus de 18 ans, un enfant pour lequel le payeur ou la payeuse tient lieu de père ou de mère ou un enfant à l'égard duquel le payeur ou la payeuse a un droit de visite ou la garde physique pendant au moins 40 % du temps au cours de l'année;
- chaque partie a la garde d'un ou de plusieurs enfants;
- le revenu annuel du payeur ou de la payeuse, calculé aux termes des lignes directrices, dépasse 150 000 \$;
- l'une ou l'autre partie prétend qu'une ordonnance fixant la somme à celle qui figure dans les lignes directrices occasionnerait des difficultés excessives.

19. Mon revenu total :

- ☐ sera de \$ cette année;
- ☐ était de \$ l'année dernière;
- ☐ était de \$ l'année d'avant.

20. Je joins les renseignements financiers suivants à mon sujet :

- a) une copie des déclarations de revenus personnelles que j'ai remises à Revenu Canada pour les 3 dernières années d'imposition;
- b) une copie des avis de cotisation ou de nouvelle cotisation que j'ai reçus de Revenu Canada à l'égard de ces déclarations;
- c) ☐ [ne s'applique que si vous êtes un(e) employé(e)] une preuve des gains que j'ai tirés d'un emploi cette année comme l'exige l'alinéa 21 (1) c) des lignes directrices sur les aliments pour les enfants.
- ☐ [ne s'applique que si vous êtes un travailleur/une travailleuse indépendant(e), si vous êtes membre d'une société de personnes ou si vous contrôlez une société ou êtes bénéficiaire d'une fiducie] les documents énumérés à l'alinéa 21 (1) d), e), f) ou g) des lignes directrices sur les aliments pour les enfants.

21. Mon état financier ☐ est joint ☐ n'est pas joint

(REMARQUE : Vous n'avez pas besoin de joindre d'état financier si vous-même et l'autre partie avez signé un consentement selon la formule 15A.)

Déclaré sous serment/Affirmé solennellement devant moi à
municipalité

à/en/au
province, État ou pays

le
date
Commissaire aux affidavits
(Dactylographiez le nom ou écrivez-le en caractères d'imprimerie ci-dessous si la signature est illisible.)

Signature
(La présente formule doit être signée en présence d'un avocat, d'un juge de paix, d'un notaire ou d'un commissaire aux affidavits.)

Numéro de dossier du greffe

(Nom du tribunal)

situé(e) au

Adresse du greffe

Formule 15A :
Consentement
(motion en modification
des aliments pour les
enfants)

Bénéficiaire(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Payeur ou payeuse

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

NE SIGNEZ PAS LE PRÉSENT CONSENTEMENT AVANT QUE LES DEUX PARTIES N'AIENT REMPLI LES SECTIONS 1, 2 ET 3 DE LA FORMULE 15 — Formule de renseignements visant une modification (motion en modification des aliments pour les enfants)—ET JOINT TOUS LES DOCUMENTS NÉCESSAIRES. VOUS DEVRIEZ ÉGALEMENT CONSULTER UN AVOCAT AVANT DE SIGNER.

1. Nous avons tous les deux lu et rempli la formule 15 (Formule de renseignements visant une modification (motion en modification des aliments pour les enfants)) et nous la comprenons.
2. Nous savons que nous avons tous les deux le droit de consulter notre avocat au sujet de cette cause.
3. ☐ Nous avons joint nos états financiers à la formule 15.
☐ Nous nous sommes mis d'accord pour ne pas déposer d'état financier auprès du tribunal.

4. Le montant des aliments sur lequel nous sommes d'accord est :

Le point 4
s'applique
uniquement aux
ordonnances
alimentaires
rendues en vertu de
la Loi sur le droit de
la famille.

- ☐ égal ou supérieur à celui qui figure dans les lignes directrices sur les aliments pour les enfants.
☐ inférieur à celui qui figure dans les lignes directrices sur les aliments pour les enfants. Le ou la bénéficiaire
☐ reçoit ☐ ne reçoit pas
des prestations d'aide sociale.

5. Nous sommes d'accord pour que les aliments soient modifiés comme suit :

- ☐ la somme de base figurant dans la table des lignes directrices sur les aliments pour les enfants, soit \$
(indiquez le montant si possible) par mois pour (nombre d'enfants) enfant(s) compte tenu du revenu annuel total
de \$ (indiquez le montant si possible) du payeur ou de la payeuse, à compter du (date)
☐ les dépenses spéciales ou extraordinaires suivantes (suppléments) :

Suite à la page suivante ➡

Formule 15A : Consentement (motion en modification des aliments pour les enfants) (page 2)

Numéro de dossier du greffe.

Nom de l'enfant	Genre de dépense	Somme	Part du payeur ou de la payeuse	Date d'échéance (si elle est connue)
		\$	\$	
		\$	\$	
		\$	\$	

- ☐ une somme de \$ par mois, qui est différente de celle figurant dans la table des lignes directrices sur les aliments pour les enfants, à compter du (date)
6. Nous sommes également d'accord pour que les aliments dus soient payés comme suit :
- ☐ les aliments qui sont dus à (nom du ou de la bénéficiaire) devraient être fixés à \$ au (date) et être payés à raison de \$ par mois à compter du (date)
- ☐ les aliments qui sont dus à (nom de l'organisme ou de l'autre personne) devraient être fixés à \$ au (date) et être payés à raison de \$ par mois à compter du (date)

Les parties n'ont pas besoin de signer le présent consentement le même jour, mais chacune d'elles doit le signer en présence d'un témoin qui signe à son tour tout de suite après.

Signature du payeur ou de la payeuse	Signature du ou de la bénéficiaire ou de son ou de sa cessionnaire
Date de la signature	Date de la signature
Dactylographiez le nom du témoin à la signature ou écrivez-le en caractères d'imprimerie	Dactylographiez le nom du témoin à la signature ou écrivez-le en caractères d'imprimerie
Signature du témoin	Signature du témoin

Numéro de dossier du greffe

(Nom du tribunal)

situé(e) au

Adresse du greffe

Formule 17 : Mémoire de
conférence relative
à la cause

(Nom de la personne qui dépose le présent mémoire)

(Date de la conférence relative à la cause)

Requérant(e)	Intimé(e)
Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).
Lien de parenté avec l'intimé(e).	Lien de parenté avec le/la requérant(e).
Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

REMARQUE : LES MÉMOIRES DE CONFÉRENCE RELATIVE À LA CAUSE DOIVENT ÊTRE ÉCHANGÉS 7 JOURS AU MOINS AVANT LA CONFÉRENCE. ILS SERONT RETOURNÉS À LA FIN DE CELLE-CI OU DÉTRUITS IMMÉDIATEMENT PAR LE PERSONNEL DU GREFFE.

REMARQUE : Vous pouvez laisser en blanc toute partie non applicable de la présente formule.

SECTION 1 : QUESTIONS EN LITIGE

1. Quelles sont les questions en litige dans cette cause qui n'ont PAS encore été réglées :
- ☐ garde d'enfant

☐ droit de visite

☐ aliments pour les enfants

☐ protection des enfants

☐ aliments pour le conjoint

☐ partage des biens

☐ propriété de biens

☐ possession du foyer

☐ ordonnance de ne pas faire

☐ (Autre. Précisez.)
2. Certaines de ces questions sont-elles urgentes au point où une ordonnance temporaire ou une autre mesure du tribunal est nécessaire?
- ☐ Non

☐ Oui (Précisez.)
3. Quelles sont les questions en litige dans cette cause qui ONT été réglées :
- ☐ garde d'enfant

☐ droit de visite

☐ aliments pour les enfants

☐ protection des enfants

☐ aliments pour le conjoint

☐ partage des biens

☐ propriété de biens

☐ possession du foyer

☐ ordonnance de ne pas faire

☐ (Autre. Précisez.)
4. Certaines des questions qui ont été réglées font-elle l'objet d'une ordonnance du tribunal ou d'un accord écrit?
- ☐ Non

☐ Oui

☐ une ordonnance

☐ un accord écrit du (date de l'accord)
- (Joignez une copie de tout accord que le juge devrait lire pour se préparer à la conférence relative à la cause.)
5. Y a-t-il eu tentative de réconciliation?
- ☐ Non

☐ Il n'existe aucune possibilité de réconciliation

☐ Oui (Précisez.)

Suite à la page suivante ➡

Formule 17 : Mémoire de conférence relative à la cause (page 2) Numéro de dossier du greffe**SECTION 2 : MARIAGE, COHABITATION ET SÉPARATION**

Dans les causes portant sur la protection d'un enfant, donnez uniquement ici les renseignements se rapportant à l'intimé(e) ou aux intimé(e)s — généralement le père ou la mère, ou les deux.

6. Requéran(t)e : Âge : Date de naissance :
 Habite à (municipalité et province)
 depuis le (date)
 Nom de famille à la naissance : Nom de famille immédiatement avant le mariage :
 Déjà divorcé(e)? ☐ Non ☐ Oui
 Si oui, indiquez les lieu et date du divorce précédent :
7. Intimé(e) : Âge : Date de naissance :
 Habite à (municipalité et province)
 depuis le (date)
 Nom de famille à la naissance : Nom de famille immédiatement avant le mariage :
 Déjà divorcé(e)? ☐ Non ☐ Oui
 Si oui, indiquez les lieu et date du divorce précédent :
8. LIEN ENTRE LES PARTIES :
☐ Nous nous sommes mariés le (date) ☐ Nous avons commencé à vivre ensemble le (date)
☐ Nous nous sommes séparés le (date) ☐ Nous n'avons jamais vécu ensemble
☐ Nous sommes toujours ensemble
9. Au moment de la séparation, existait-il des arrangements écrits ou verbaux entre les parties?
☐ Non
☐ Oui (Donnez des précisions, y compris la date de l'arrangement, le nom de la partie qui habite actuellement dans le foyer conjugal, le moment où l'autre partie a déménagé et les circonstances particulières du déménagement. Si une partie quelconque de l'arrangement a été consignée par écrit, joignez-en une copie.)

SECTION 3 : ENFANTS

10. Les renseignements de base sur l'enfant ou les enfants sont les suivants :

Nom et prénom officiels de l'enfant	Âge	Date de naissance (jour, mois, année)	Année et école	Habite actuellement avec

Suite à la page suivante ➔

Formule 17 : Mémoire de conférence relative à la cause (page 3) Numéro de dossier du greffe11. Les arrangements quant au droit de visite sont les suivants : *(Donnez des précisions à côté du nom de chaque enfant.)*

Nom de l'enfant

Arrangements quant au droit de visite

.....
.....
.....
.....
.....
.....
.....

12. Y a-t-il des préoccupations particulières au sujet de l'enfant ou des enfants *(sur le plan de la santé ou des études, par exemple)* dont le juge qui préside la conférence relative à la cause devrait avoir connaissance?☐ Non☐ Oui *(Donnez des précisions à côté du nom de chaque enfant.)*

Nom de l'enfant

Préoccupation ou problème

.....
.....
.....

13. Demandez-vous que l'arrangement actuel quant à la garde et au droit de visite soit modifié?

☐ Non☐ Oui *(Précisez.)*

14. Croyez-vous qu'une évaluation de la garde ou du droit de visite est nécessaire dans cette cause?

☐ Non☐ Oui

Si «oui», avez-vous besoin d'une ordonnance du tribunal pour pouvoir procéder à une évaluation?

☐ Non☐ Oui

15. Le Bureau de l'avocat des enfants devrait-il intervenir dans cette cause en ce qui concerne un ou plusieurs enfants?

☐ Non☐ Oui

16. Avez-vous assisté à une réunion d'information sur le droit de la famille?

☐ Non☐ Oui, le (date)17. *(Causes portant sur la protection d'un enfant seulement.)*

Une des parties a-t-elle préparé un programme de soins pour les enfants?

☐ La société d'aide à l'enfance☐ L'intimé(e) ou les intimé(e)s☐ Personne*(Joignez-en une copie à moins qu'elle ne fasse déjà partie du dossier continu, auquel cas indiquez le ou les numéros d'onglet ou de page)***SECTION 4 : RENSEIGNEMENTS FINANCIERS***Ne remplissez pas cette section dans les causes portant sur la protection d'un enfant à moins que la société d'aide à l'enfance ne demande des aliments, auquel cas n'indiquez que les renseignements se rapportant aux intimé(e)s.*

18. Le revenu annuel brut du/de la requérant(e) est de \$

Le revenu annuel brut de l'intimé(e) est de \$

19. Les détails de ce revenu (placements, fiducies, salaires, commissions, temps supplémentaire) sont les suivants :

Suite à la page suivante ➡

Formule 17 : Mémoire de conférence relative à la cause (page 4) Numéro de dossier du greffe

Requérant(e)		Intimé(e)	
Provenance	Somme	Provenance	Somme

SECTION 5 : BIENS

Passez à la section 6 dans les causes portant sur la protection d'un enfant

20. J'habite dans ☐ une maison ☐ un appartement ☐ (Autre. Précisez.)
☐ que je loue ☐ dont je suis propriétaire

(Si vous ne louez pas votre domicile, donnez les renseignements ci-dessous.)

- ☐ Je suis l'unique propriétaire du domicile.
☐ (Nom) et moi-même sommes propriétaires du domicile.
☐ (Nom) est l'unique propriétaire.
☐ (Autre. Précisez.)

Le bien est-il hypothéqué?

- ☐ Non ☐ Oui, et il reste \$ à payer.

21. Les parties se sont-elles mises d'accord sur la date de séparation?

- ☐ Non ☐ Oui, le (date)

22. Les parties se sont-elles mises d'accord sur la valeur d'une partie ou de la totalité des avoirs à la date de la séparation?

- ☐ Non
☐ Oui (Énumérez les avoirs et la valeur sur laquelle vous vous êtes mis d'accord. Au besoin, joignez des feuilles supplémentaires.)

23. Si les parties ne sont pas d'accord sur la valeur d'une partie ou de la totalité des avoirs, s'entendent-elles sur la personne qui va procéder à l'évaluation?

- ☐ Non ☐ Oui. L'évaluateur ou l'évaluatrice s'appelle (nom)

24. La propriété d'une partie ou de la totalité des avoirs est-elle contestée? ☐ Non ☐ Oui

(Dans le tableau ci-dessous, énumérez les avoirs dont la propriété n'est pas contestée. Énumérez ensuite ceux dont la propriété est contestée.)

Propriété du/de la requérant(e)		Propriété de l'intimé(e)		Propriété conjointe	
Description de l'avoir	Valeur	Description de l'avoir	Valeur	Description de l'avoir	Valeur

Formule 17 : Mémoire de conférence relative à la cause (page 5) Numéro de dossier du greffe

Propriété du/de la requérant(e)		Propriété de l'intimé(e)		Propriété conjointe	
Description de l'avoir	Valeur	Description de l'avoir	Valeur	Description de l'avoir	Valeur

(Énumérez les avoirs dont la propriété est contestée.)

25. La question de savoir qui est censé payer les dettes des parties est-elle contestée?

- ☐ Non (Ne remplissez pas le tableau ci-dessous.) ☐ Oui (Précisez dans le tableau ci-dessous.)

Créancier	Raison de l'endettement	Somme impayée

SECTION 6 : QUESTIONS RELATIVES AUX ALIMENTS

Ne remplissez pas cette section dans les causes portant sur la protection d'un enfant à moins que la société d'aide à l'enfance ne demande des aliments, auquel cas n'indiquez que les renseignements se rapportant aux intimé(e)s.

26. Y a-t-il un accord ou une ordonnance du tribunal visant les aliments pour les enfants?

- ☐ Non
☐ Oui, ☐ un accord ☐ une ordonnance du tribunal
 du (date) qui prévoit des
 aliments de \$ par pour (nombre d'enfants) enfant(s), lesquels
☐ sont versés en entier ☐ ne sont pas versés en entier. (Joignez un état des sommes dues — formule 26.)

27. Y a-t-il quelqu'un d'autre qui subvient aux besoins de l'enfant ou des enfants?

- ☐ Non
☐ Oui. Cette autre personne s'appelle

28. Une des parties subvient-elle aux besoins d'un ancien conjoint ou d'un ou plusieurs enfants nés d'une autre union?

- ☐ Non
☐ Oui (Précisez.)

29. Des aliments sont demandés pour les enfants suivants :

Suite à la page suivante ➡

Formule 17 : Mémoire de conférence relative à la cause (page 6) Numéro de dossier du greffe

Nom de l'enfant	Âge	Dépenses spéciales ou extraordinaires de l'enfant (suppléments)

30. Y a-t-il un accord ou une ordonnance du tribunal visant les aliments pour le conjoint?

☐ Non

☐ Oui, ☐ un accord ☐ une ordonnance du tribunal

du (date) qui prévoit des aliments pour le conjoint de

..... \$ par , lesquels

☐ sont versés en entier ☐ ne sont pas versés en entier. (Joignez un état des sommes dues — formule 26.)

31. Des aliments pour le conjoint sont-ils demandés dans cette cause?

☐ Non

☐ Oui, par (nom de la personne) , qui demande
..... \$ par

32. Y a-t-il des problèmes de santé qui risquent d'avoir une incidence sur les aliments dont les parties ont besoin ou sur leur capacité d'en payer?

☐ Non

☐ Oui (Joignez une copie de tout rapport médical ou autre dossier de santé pertinent.)

33. Donnez les renseignements suivants au sujet de l'emploi :

	Requérant(e)	Intimé(e)
Situation	<input type="checkbox"/> employé(e) <input type="checkbox"/> travailleur/travailleuse indépendant(e) <input type="checkbox"/> en congé d'invalidité <input type="checkbox"/> sans emploi	<input type="checkbox"/> employé(e) <input type="checkbox"/> travailleur/travailleuse indépendant(e) <input type="checkbox"/> en congé d'invalidité <input type="checkbox"/> sans emploi
Métier ou profession		
Depuis quand êtes-vous sans emploi ou en congé d'invalidité, le cas échéant?		
Projets de recyclage ou de perfectionnement		

SECTION 7 : AUTRES QUESTIONS EN LITIGE

34. Des ordonnances de divulgation ont-elles besoin d'être rendues dans cette cause?

☐ Non

Formule 17 : Mémoire de conférence relative à la cause (page 7) Numéro de dossier du greffe

☐ Oui ☐ Évaluation de la pension de (nom de la partie)
☐ (Autre. Précisez.)

35. Y a-t-il d'autres questions ou préoccupations dont le juge qui préside la conférence relative à la cause devrait avoir connaissance?

☐ Non

☐ Oui (*Précisez.*)

36. Quelles sont les dates des prochaines étapes de cette cause d'ici la conférence en vue d'un règlement amiable?

[illegible]

37. Quand pourrez-vous assister à une conférence en vue d'un règlement amiable? (Indiquez la date la plus rapprochée.)

Signature de la partie

Date de la signature

Signature de l'avocat(e) de la partie

Date de la signature

Numéro de dossier du greffe

(Nom du tribunal)

**Formule 17A : Mémoire de
conférence en vue
d'un règlement amiable**

situé(e) au

Adresse du greffe

(Nom de la personne qui dépose le présent mémoire)

(Date de la conférence en vue d'un règlement amiable)

Requérant(e)**Intimé(e)**

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Lien de parenté avec l'intimé(e).

Lien de parenté avec le/la requérant(e).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

REMARQUE : LES MÉMOIRES DE CONFÉRENCE EN VUE D'UN RÈGLEMENT AMIABLE DOIVENT ÊTRE ÉCHANGÉS 7 JOURS AU MOINS AVANT LA CONFÉRENCE. ILS SERONT RETOURNÉS À LA FIN DE CELLE-CI OU DÉTRUITS IMMÉDIATEMENT PAR LE PERSONNEL DU GREFFE.

REMARQUE : Vous pouvez laisser en blanc toute partie non applicable de la présente formule.

SECTION 1 : QUESTIONS EN LITIGE**1. Quelles sont les questions en litige dans cette cause qui n'ont PAS encore été réglées :**

- | | | | |
|---|---|--|---|
| <input type="checkbox"/> garde d'enfant | <input type="checkbox"/> droit de visite | <input type="checkbox"/> aliments pour les enfants | <input type="checkbox"/> protection des enfants |
| <input type="checkbox"/> aliments pour le conjoint | <input type="checkbox"/> partage des biens | <input type="checkbox"/> propriété de biens | <input type="checkbox"/> possession du foyer |
| <input type="checkbox"/> ordonnance de ne pas faire | <input type="checkbox"/> (Autre. Précisez.) | | |

2. Certaines de ces questions sont-elles urgentes au point où une ordonnance temporaire ou une autre mesure du tribunal est nécessaire?

- ☐ Non
☐ Oui. (Précisez.)

3. Quelles sont les questions en litige dans cette cause qui ONT été réglées :

- | | | | |
|---|---|--|---|
| <input type="checkbox"/> garde d'enfant | <input type="checkbox"/> droit de visite | <input type="checkbox"/> aliments pour les enfants | <input type="checkbox"/> protection des enfants |
| <input type="checkbox"/> aliments pour le conjoint | <input type="checkbox"/> partage des biens | <input type="checkbox"/> propriété de biens | <input type="checkbox"/> possession du foyer |
| <input type="checkbox"/> ordonnance de ne pas faire | <input type="checkbox"/> (Autre. Précisez.) | | |

4. Certaines des questions qui ont été réglées font-elles l'objet d'une ordonnance du tribunal ou d'un accord écrit?

- ☐ Non
☐ Oui ☐ une ordonnance
☐ un accord écrit du (date de l'accord)

(Joignez une copie de tout accord que le juge devrait lire pour se préparer à la conférence en vue d'un règlement amiable.)

SECTION 2 : MARIAGE, COHABITATION ET SÉPARATION

Suite à la page suivante ➡

**Formule 17A : Mémoire de conférence
en vue d'un règlement amiable (page 2)**

Numéro de dossier du greffe

Dans les causes portant sur la protection d'un enfant, donnez uniquement les renseignements se rapportant à l'intimé(e) ou aux intimé(e)s — généralement le père ou la mère ou les deux.

5. Requéran(t)e : Âge : Date de naissance :
 Habite à (municipalité et province)
 depuis le (date)
 Nom de famille à la naissance : Nom de famille immédiatement avant le mariage :

Déjà divorcé(e)? ☐ Non ☐ Oui

Si oui, indiquez les lieu et date du divorce précédent :

6. Intimé(e) : Âge : Date de naissance :
 Habite à (municipalité et province)
 depuis le (date)
 Nom de famille à la naissance : Nom de famille immédiatement avant le mariage :

Déjà divorcé(e)? ☐ Non ☐ Oui

Si oui, indiquez les lieu et date du divorce précédent :

7. LIEN ENTRE LES PARTIES :

- ☐ Nous nous sommes mariés le (date) ☐ Nous avons commencé à vivre ensemble le (date)
☐ Nous nous sommes séparés le (date) ☐ Nous n'avons jamais vécu ensemble.
☐ Nous sommes toujours ensemble

8. Au moment de la séparation, existait-il des arrangements écrits ou verbaux entre les parties?

- ☐ Non
☐ Oui (Donnez des précisions, y compris la date de l'arrangement, le nom de la partie qui habite actuellement dans le foyer conjugal, le moment où l'autre partie a déménagé et les circonstances particulières du déménagement. Si une partie quelconque de l'arrangement a été consignée par écrit, joignez-en une copie.)

SECTION 3 : ENFANTS**9. Les renseignements de base sur l'enfant ou les enfants sont les suivants :**

Nom et prénom officiels de l'enfant	Âge	Date de naissance (jour, mois, année)	Année et école	Habite actuellement avec

10. Les arrangements quant au droit de visite sont les suivants : (Donnez des précisions à côté du nom de chaque enfant.)

Suite à la page suivante ➡

**Formulaire 17A : Mémoire de conférence
en vue d'un règlement amiable (page 3)**

Numéro de dossier du greffe

Nom de l'enfant
Arrangements quant au droit de visite

.....

.....

.....

.....

.....

.....

11. Y a-t-il des préoccupations particulières au sujet de l'enfant ou des enfants (*sur le plan de la santé ou des études, par exemple*) dont le juge qui préside la conférence en vue d'un règlement amiable devrait avoir connaissance?

- ☐ Non
- ☐ Oui (*Donnez des précisions à côté du nom de chaque enfant.*)

Nom de l'enfant
Préoccupation ou problème

.....

.....

.....

.....

12. Demandez-vous que l'arrangement actuel quant à la garde et au droit de visite soit modifié?

- ☐ Non
- ☐ Oui (*Précisez.*)

13. Une évaluation de la garde ou du droit de visite a-t-elle eu lieu dans cette cause?

- ☐ Non ☐ Oui (*Joignez-en une copie à moins qu'elle ne fasse déjà partie du dossier continu, auquel cas indiquez le ou les numéros d'onglet ou de page*)

14. Le Bureau de l'avocat des enfants doit-il intervenir dans cette cause en ce qui concerne un ou plusieurs enfants?

- ☐ Non ☐ Oui

15. Avez-vous assisté à une réunion d'information sur le droit de la famille?

- ☐ Non ☐ Oui, le (date)

16. (*Causes portant sur la protection d'un enfant seulement.*)

Une des parties a-t-elle préparé un programme de soins pour les enfants?

- ☐ La société d'aide à l'enfance ☐ L'intimé(e) ou les intimé(e)s ☐ Personne

(*Joignez-en une copie à moins qu'elle ne fasse déjà partie du dossier continu, auquel cas indiquez le ou les numéros d'onglet ou de page*)

SECTION 4 : RENSEIGNEMENTS FINANCIERS

Ne remplissez pas cette section dans les causes portant sur la protection d'un enfant à moins que la société d'aide à l'enfance ne demande des aliments, auquel cas n'indiquez que les renseignements se rapportant aux intimé(e)s.

17. Le revenu annuel brut du/de la requérant(e) est de \$

Le revenu annuel brut de l'intimé(e) est de \$

**Formule 17A : Mémoire de conférence
en vue d'un règlement amiable (page 4)**

Numéro de dossier du greffe

18. Les détails de ce revenu (placements, fiducies, salaires, commissions, temps supplémentaire) sont les suivants :

Requérant(e)		Intimé(e)	
Provenance	Somme	Provenance	Somme

SECTION 5 : BIENS*Passez à la section 6 dans les causes portant sur la protection d'un enfant.*

19. J'habite dans ☐ une maison ☐ un appartement ☐ (Autre. Précisez.)
☐ que je loue ☐ dont je suis propriétaire

(Si vous ne louez pas votre domicile, donnez les renseignements ci-dessous.)

- ☐ Je suis l'unique propriétaire du domicile.
☐ (Nom) et moi-même sommes propriétaires du domicile.
☐ (Nom) est l'unique propriétaire.
☐ (Autre. Précisez.)

Le bien est-il hypothéqué?

- ☐ Non ☐ Oui, et il reste \$ à payer.

20. Les parties se sont-elles mises d'accord sur la date de séparation?

- ☐ Non ☐ Oui, le (date)

21. Les parties se sont-elles mises d'accord sur la valeur d'une partie ou de la totalité des avoirs à la date de la séparation?

- ☐ Non
☐ Oui (Énumérez les avoirs et la valeur sur laquelle vous vous êtes mis d'accord. Au besoin, joignez des feuilles supplémentaires.)

22. Si les parties ne sont pas d'accord sur la valeur d'une partie ou de la totalité des avoirs, s'entendent-elles sur la personne qui va procéder à l'évaluation?

- ☐ Non ☐ Oui. L'évaluateur ou l'évaluatrice s'appelle (nom)

23. La propriété d'une partie ou de la totalité des avoirs est-elle contestée? ☐ Non ☐ Oui
(Dans le tableau ci-dessous, énumérez les avoirs dont la propriété n'est pas contestée. Énumérez ensuite ceux dont la propriété est contestée.)

Propriété du/de la requérant(e)		Propriété de l'intimé(e)		Propriété conjointe	
Description de l'avoir	Valeur	Description de l'avoir	Valeur	Description de l'avoir	Valeur

**Formule 17A : Mémoire de conférence
en vue d'un règlement amiable (page 5)**

Numéro de dossier du greffe

Propriété du/de la requérant(e)		Propriété de l'intimé(e)		Propriété conjointe	
Description de l'avoir	Valeur	Description de l'avoir	Valeur	Description de l'avoir	Valeur

(Énumérez les avoirs dont la propriété est contestée.)

24. La question de savoir qui est censé payer les dettes des parties est-elle contestée?

☐ Non (Ne remplissez pas le tableau ci-dessous.) ☐ Oui (Précisez dans le tableau ci-dessous.)

Créancier	Raison de l'endettement	Somme impayée

25. Est-ce que toutes les personnes nécessaires pour décider des questions se rapportant aux biens, à la propriété et aux dettes ont été désignées comme parties à la cause?

☐ Oui ☐ Non (Énumérez les personnes qui doivent encore être jointes comme parties.)
SECTION 6 : QUESTIONS RELATIVES AUX ALIMENTS

Ne remplissez pas cette section dans les causes portant sur la protection d'un enfant à moins que la société d'aide à l'enfance ne demande des aliments, auquel cas n'indiquez que les renseignements se rapportant aux intimé(e)s.

26. Y a-t-il un accord ou une ordonnance du tribunal visant les aliments pour les enfants?

☐ Non
☐ Oui, ☐ un accord ☐ une ordonnance du tribunal

du (date) qui prévoit des aliments de

..... \$ par pour (nombre d'enfants). enfant(s), lesquels

☐ sont versés en entier ☐ ne sont pas versés en entier. (Joignez un état des sommes dues — formule 26.)

Suite à la page suivante ➡

**Formule 17A : Mémoire de conférence
en vue d'un règlement amiable (page 6)**

Numéro de dossier du greffe

27. Y a-t-il quelqu'un d'autre qui subvient aux besoins de l'enfant ou des enfants?

☐ Non☐ Oui Cette autre personne s'appelle

28. Une des parties subvient-elle aux besoins d'un ancien conjoint ou d'un ou plusieurs enfants nés d'une autre union?

☐ Non☐ Oui (*Précisez.*)

29. Des aliments sont demandés pour les enfants suivants :

Nom de l'enfant	Âge	Dépenses spéciales ou extraordinaires de l'enfant (suppléments)

30. Y a-t-il un accord ou une ordonnance du tribunal visant les aliments pour le conjoint?

☐ Non☐ Oui, ☐ un accord ☐ une ordonnance du tribunal

du (date) qui prévoit des

aliments pour le conjoint de \$ par, lesquels

☐ sont versés en entier ☐ ne sont pas versés en entier. (*Joignez un état des sommes dues — formule 26.*)

31. Des aliments pour le conjoint sont-ils demandés dans cette cause?

☐ Non☐ Oui, par (nom de la personne), qui demande \$ par

32. Y a-t-il des problèmes de santé qui risquent d'avoir une incidence sur les aliments dont les parties ont besoin ou sur leur capacité d'en payer?

☐ Non☐ Oui (*Joignez une copie de tout rapport médical ou autre dossier de santé pertinent.*)

33. Donnez les renseignements suivants au sujet de l'emploi :

	Requérant(e)	Intimé(e)
Situation	<input type="checkbox"/> employé(e) <input type="checkbox"/> travailleur/travailleuse indépendant(e) <input type="checkbox"/> en congé d'invalidité <input type="checkbox"/> sans emploi	<input type="checkbox"/> employé(e) <input type="checkbox"/> travailleur/travailleuse indépendant(e) <input type="checkbox"/> en congé d'invalidité <input type="checkbox"/> sans emploi
Métier ou profession		
Depuis quand êtes-vous sans emploi ou en congé d'invalidité, le cas échéant?		

**Formule 17A : Mémoire de conférence
en vue d'un règlement amiable (page 7)**

Numéro de dossier du greffe

	Requérant(e)	Intimé(e)
Projets de recyclage ou de perfectionnement		

— SECTION 7 : RÉCONCILIATION, MÉDIATION ET ÉVALUATION —

34. Y a-t-il eu tentative de réconciliation?

- ☐ Non
☐ Il n'existe aucune possibilité de réconciliation
☐ Oui (*Précisez.*)

35. Aimerez-vous des renseignements sur les services de counselling ou d'orientation?

- ☐ Non ☐ Oui

— SECTION 8 : QUESTIONS DE PROCÉDURE —

36. Est-ce que des interrogatoires préalables ou des contre-interrogatoires ont eu lieu?

- ☐ Oui ☐ Non ☐ Ils sont toujours en cours. ☐ Ils sont inutiles dans cette cause.

 37. Les questions suivantes concernant les interrogatoires préalables ou les contre-interrogatoires sont encore en suspens : (*Précisez, s'il y a lieu.*)

 38. Je joins un résumé des ordonnances pertinentes dans cette cause. (*Joignez le résumé des causes — formule 8E*)

39. Ces ordonnances ont-elles été exécutées?

- ☐ Oui ☐ Non (*Expliquez.*)

40. La requête, la défense ou la réponse a-t-elle besoin d'être modifiée?

- ☐ Non ☐ Oui (*Expliquez.*)

41. Les prochaines étapes de la cause devraient être les suivantes :

42. Les demandes présentées dans cette cause ont-elles des répercussions fiscales?

- ☐ Non ☐ Oui (*Précisez. Au besoin, joignez des feuilles supplémentaires et numérotez-les.*)

 43. Je joins une copie d'une offre de règlement amiable qui peut présentement être acceptée. (*S'il n'y a aucune offre, vous DEVEZ en présenter une et la joindre.*)

 44. Quels témoins avez-vous l'intention d'appeler au procès? (*Donnez leur nom.*)

Suite à la page suivante ➡

**Formule 17A : Mémoire de conférence
en vue d'un règlement amiable (page 8)**

Numéro de dossier du greffe

45. Parmi ces témoins, les personnes suivantes seront appelées à titre d'experts sur ce qui suit :

Nom du témoin expert	Résumé du témoignage de l'expert

46. J'estime qu'il faudra. jours pour le témoignage et le contre-interrogatoire de mes témoins et pour la présentation des preuves documentaires au procès.

47. Y a-t-il des dates où vous-même ou votre avocat(e) ne pouvez pas vous présenter au tribunal pour le procès?

☐ Non☐ Oui (*Indiquez les dates problématiques et expliquez la difficulté.*)

Suite à la page suivante ➡

**Formule 17A : Mémoire de conférence
en vue d'un règlement amiable (page 9)**

Numéro de dossier du greffe

Joignez les documents suivants qui se rapportent aux questions toujours en litige dans cette cause. Utilisez des onglets numérotés pour les distinguer.

1. **Si les aliments constituent une question en litige au procès :** Votre état financier, qui ne doit pas dater de plus de 30 jours, sinon il doit être accompagné d'un affidavit dans lequel vous déclarez que les renseignements qu'il contient sont toujours exacts.
2. **Si les biens constituent une question en litige au procès :** Votre état des biens familiaux nets, qui ne doit pas dater de plus de 30 jours, sinon il faut y joindre un affidavit dans lequel vous déclarez que les renseignements qu'il contient sont toujours exacts ainsi que des documents à l'appui des chiffres présentés dans cette cause, y compris les évaluations d'entreprises, de pensions, de biens-fonds ou autres biens.
3. **Si les aliments pour les enfants constituent une question en litige au procès et que, selon le cas :**
 - a) le revenu d'une partie dépasse 150 000 \$ par année;
 - b) un enfant a 18 ans ou plus;
 - c) une demande est présentée au titre de dépenses spéciales ou extraordinaires (suppléments) pour l'enfant ou les enfants;
 - d) une demande est présentée au titre de difficultés excessives qui résultent du paiement d'aliments pour les enfants :

Un budget de dépenses pour l'enfant ou les enfants, y compris la part du coût du logement, des services publics et de la nourriture, entre autres, qui leur revient et la base sur laquelle cette part est calculée.
4. **Si la garde ou le droit de visite constitue une question en litige au procès :** Les rapports d'évaluation sur la garde ou le droit de visite et les rapports de l'avocat des enfants (le cas échéant).
5. **S'il s'agit d'une cause portant sur la protection d'un enfant :** Le programme de soins élaboré par la société d'aide à l'enfance et, le cas échéant, par l'intimé(e) ou les intimé(e)s.
6. Les rapports médicaux.
7. Votre offre de règlement amiable la plus récente qui peut toujours être acceptée. S'il n'y en a pas, vous devez en présenter une et la joindre.
8. Les causes, extraits de texte ou articles de tout genre qui aideraient le juge à se préparer à la conférence en vue d'un règlement amiable.
9. Tout autre document pertinent qui aiderait le juge à se préparer à la conférence en vue d'un règlement amiable.

*Signature de la partie*_____
*Date de la signature*_____
*Signature de l'avocat(e) de la partie*_____
Date de la signature

Numéro de dossier du greffe

(Nom du tribunal)

**Formule 17B : Mémoire
de conférence
de gestion du procès**

situé(e) au

Adresse du greffe

(Nom de la personne qui dépose le présent mémoire)

(Date de la conférence de gestion du procès.)

Requérant(e)**Intimé(e)**

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Lien de parenté avec l'intimé(e).

Lien de parenté avec le/la requérant(e).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

REMARQUE : LES MÉMOIRES DE CONFÉRENCE DE GESTION DU PROCÈS DOIVENT ÊTRE ÉCHANGÉS 7 JOURS AU MOINS AVANT LA CONFÉRENCE. ILS SERONT RETOURNÉS À LA FIN DE CELLE-CI OU DÉTRUITS IMMÉDIATEMENT PAR LE PERSONNEL DU GREFFE.

REMARQUE : Vous pouvez laisser en blanc toute partie non applicable de la présente formule.

SECTION 1 : QUESTIONS EN LITIGE**1. Quelles sont les questions en litige dans cette cause qui n'ont PAS encore été réglées :**

- | | | | |
|---|---|--|---|
| <input type="checkbox"/> garde d'enfant | <input type="checkbox"/> droit de visite | <input type="checkbox"/> aliments pour les enfants | <input type="checkbox"/> protection des enfants |
| <input type="checkbox"/> aliments pour le conjoint | <input type="checkbox"/> partage des biens | <input type="checkbox"/> propriété de biens | <input type="checkbox"/> possession du foyer |
| <input type="checkbox"/> ordonnance de ne pas faire | <input type="checkbox"/> (Autre. Précisez.) | | |

2. Quelles sont les questions en litige dans cette cause qui ONT été réglées :

- | | | | |
|---|---|--|---|
| <input type="checkbox"/> garde d'enfant | <input type="checkbox"/> droit de visite | <input type="checkbox"/> aliments pour les enfants | <input type="checkbox"/> protection des enfants |
| <input type="checkbox"/> aliments pour le conjoint | <input type="checkbox"/> partage des biens | <input type="checkbox"/> propriété de biens | <input type="checkbox"/> possession du foyer |
| <input type="checkbox"/> ordonnance de ne pas faire | <input type="checkbox"/> (Autre. Précisez.) | | |

3. Certaines des questions qui ont été réglées font-elles l'objet d'une ordonnance du tribunal ou d'un accord écrit?☐ Non☐ Oui☐ une ordonnance☐ un accord écrit du (date de l'accord)

(Joignez une copie de tout accord que le juge devrait lire pour se préparer à la conférence de gestion du procès.)

Suite à la page suivante ➡

**Formule 17B : Mémoire de conférence
de gestion du procès (page 2)**

Numéro de dossier du greffe

SECTION 2 : QUESTIONS DE PROCÉDURE

4. Est-ce que toutes les questions concernant les interrogatoires préalables ou les contre-interrogatoires ont été réglées?
☐ Oui ☐ Non (*Précisez.*)
5. Je joins une liste des ordonnances pertinentes dans cette cause. (*Joignez un résumé des causes — formule 8E.*)
6. Y a-t-il des ordonnances ou des directives pour le procès qui n'ont pas encore été exécutées?
☐ Non ☐ Oui (*Expliquez.*)
7. Les parties ont-elles préparé un mémoire conjoint?
☐ Oui (*Joignez-en une copie.*) ☐ Non (*Expliquez.*)
8. Les parties ont-elles conclu un accord qui permet au juge du procès de recevoir des témoignages par affidavit ou sous forme de rapport écrit, sous réserve d'un contre-interrogatoire?
☐ Oui (*Joignez-en une copie.*) ☐ Non (*Expliquez.*)
9. Y a-t-il des questions préliminaires ou des questions de procédure à régler avant le procès ou au début de celui-ci?
☐ Non ☐ Oui (*Expliquez.*)

SECTION 3 : QUESTIONS EN LITIGE AU PROCÈS

10. Les parties ont-elles préparé un exposé conjoint des faits?
☐ Oui (*Joignez-en une copie.*) ☐ Non (*Expliquez.*)

Suite à la page suivante ➡

**Formule 17B : Mémoire de conférence
de gestion du procès (page 3)**

Numéro de dossier du greffe

11. Quelles questions sont toujours en litige dans cette cause?*(Pour chaque question, résumez :*

- a) les faits non contestés;*
- b) les principes sur lesquels s'appuie votre cause sur cette question;*
- c) la preuve que vous avez l'intention de présenter sur cette question.*

Ce résumé devrait constituer une ébauche de votre exposé initial au procès. Au besoin, joignez des feuilles supplémentaires et numérotez-les.)

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page.

**Formule 17B : Mémoire de conférence
de gestion du procès (page 4)**

Numéro de dossier du greffe

12. Voici les témoins que j'ai l'intention d'appeler ainsi qu'un résumé de ce que je m'attends à ce qu'ils disent :

Nom du témoin	Résumé du témoignage attendu

13. J'estime qu'il faudra, jours pour le témoignage et le contre-interrogatoire de mes témoins et pour la présentation de mes preuves documentaires au procès.

Joignez les documents suivants qui se rapportent aux questions toujours en litige dans cette cause. Utilisez des onglets numérotés pour les distinguer.

1. **Si les aliments constituent une question en litige au procès :** Votre état financier, qui ne doit pas dater de plus de 30 jours, sinon il doit être accompagné d'un affidavit dans lequel vous déclarez que les renseignements qu'il contient sont toujours exacts.
2. **Si les biens constituent une question en litige au procès :** Votre état des biens familiaux nets, qui ne doit pas dater de plus de 30 jours, sinon il faut y joindre un affidavit dans lequel vous déclarez que les renseignements qu'il contient sont toujours exacts ainsi que des documents à l'appui des chiffres présentés dans cette cause, y compris les évaluations d'entreprises, de pensions, de biens-fonds ou autres biens.
3. **Si les aliments pour les enfants constituent une question en litige au procès et que, selon le cas :**
 - a) le revenu d'une partie dépasse 150 000 \$ par année;
 - b) un enfant a 18 ou plus;
 - c) une demande est présentée au titre de dépenses spéciales ou extraordinaires (suppléments) pour l'enfant ou les enfants;
 - d) une demande est présentée au titre de difficultés excessives qui résultent du paiement d'aliments pour les enfants :

Un budget de dépenses pour l'enfant ou les enfants, y compris la part du coût du logement, des services publics et de la nourriture, entre autres, qui leur revient et la base sur laquelle cette part est calculée.

4. **Si la garde ou le droit de visite constitue une question en litige au procès :** Les rapports d'évaluation sur la garde ou le droit de visite et les rapports de l'avocat des enfants (le cas échéant).
5. **S'il s'agit d'une cause portant sur la protection d'un enfant :** Le programme de soins élaboré par la société d'aide à l'enfance et, le cas échéant, par l'intimé(e) ou les intimé(e)s.
6. Tout autre document pertinent qui aiderait le juge à se préparer à la conférence de gestion du procès.

Signature de la partie_____
Date de la signature_____
Signature de l'avocat(e) de la partie_____
Date de la signature

Numéro de dossier du greffe

(Nom du tribunal)

**Formule 20 : Demande
de renseignements**situé(e) au _____
Adresse du greffe**Requérant(e)(s)**

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Intimé(e)(s)

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

À : (nom de la partie)Cette demande de renseignements par écrit vous est présentée en vertu du paragraphe 20 (2) des *Règles en matière de droit de la famille*

Je demande que les renseignements soient fournis dans les. jours au moyen :

- ☐ d'un affidavit de (nom de la ou des personnes)
- ☐ d'une lettre de (nom de la ou des personnes)
- ☐ (Autre. Précisez.)

Les renseignements que je demande sont les suivants : (Soyez aussi précis(e) que possible. Si vous désirez plusieurs renseignements, numérotez-les.)

SI VOUS NE FOURNISSEZ PAS LES RENSEIGNEMENTS DEMANDÉS :

- (1) UNE ASSIGNATION PEUT VOUS ÊTRE SIGNIFIÉE VOUS OBLIGEANT À SUBIR UN INTERROGATOIRE À LEUR SUJET;
- (2) UNE MOTION PEUT ÊTRE PRÉSENTÉE AU TRIBUNAL POUR OBTENIR UNE ORDONNANCE EXIGEANT QUE VOUS FOURNISSEZ LES RENSEIGNEMENTS ET VOUS CONDAMNANT AUX DÉPENS DE LA MOTION.

Signature

Date de la signature



Numéro de dossier du greffe

(Nom du tribunal)

situé(e) au _____
Adresse du greffe

**Formule 20A :
Autorisation du
commissaire**

Requérant(e)(s)

<p><i>Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i></p>	<p><i>Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i></p>
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Intimé(e)(s)

<p><i>Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i></p>	<p><i>Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i></p>
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À : (nom et prénom officiels et adresse du commissaire)

LE TRIBUNAL VOUS A DÉSIGNÉ(E) COMME COMMISSAIRE pour recueillir des témoignages dans cette cause. Ci-joint une copie de l'ordonnance de désignation.

LE TRIBUNAL VOUS ACCORDE PLEINS POUVOIRS de prendre les mesures nécessaires en vue de recueillir les témoignages mentionnés dans l'ordonnance ci-jointe.

Si les parties y consentent, vous avez également le pouvoir de recueillir le témoignage de tout autre témoin qui peut se trouver à/en/au (nom de la province, du territoire, de l'État ou du pays)

Dans l'exercice de vos fonctions de commissaire, vous devez suivre :

- a) les conditions de l'ordonnance ci-jointe;
- b) les instructions ci-dessous.

Dès que vous avez terminé ☐ un enregistrement sonore
☐ un enregistrement vidéo
☐ une transcription

du témoignage, vous devez le faire parvenir au greffier du tribunal, accompagné de la présente autorisation.

Signature

Date de la signature

REMARQUE : Joignez l'ordonnance du tribunal vous désignant comme commissaire

Suite à la page suivante ➡

Formule 20A : Autorisation du commissaire (page 2)

Numéro de dossier du greffier

INSTRUCTIONS AU COMMISSAIRE

1. Dans la mesure du possible, vous devez interroger le ou les témoins conformément aux paragraphes 20 (14), 20 (15) et 23 (19) des *Règles en matière de droit de la famille*. Ces paragraphes sont les suivants :

INTERROGATION D'UNE PERSONNE DE L'EXTÉRIEUR DE L'ONTARIO

20.(14) Si une personne à interroger habite à l'extérieur de l'Ontario et refuse de se rendre en Ontario pour l'interrogatoire, le tribunal peut décider ce qui suit :

- a) les date, heure et lieu de l'interrogatoire;
- b) le délai de préavis à donner à la personne;
- c) la personne devant laquelle l'interrogatoire aura lieu;
- d) le montant de l'indemnité de témoin à verser à la personne à interroger;
- e) le mode d'enregistrement de l'interrogatoire;
- f) au besoin, la délivrance par le greffier de ce qui suit :
 - (i) l'autorisation du commissaire (formule 20A) qui doit superviser l'interrogatoire à l'extérieur de l'Ontario,
 - (ii) une lettre de demande (formule 20B) adressée au tribunal compétent ou à l'instance compétente de l'extérieur de l'Ontario, sollicitant son aide pour que la personne à interroger se présente devant le commissaire;
- g) toute question connexe.

FONCTIONS DU COMMISSAIRE

(15) Le commissaire qui reçoit l'autorisation prévue au paragraphe (14) fait ce qui suit :

- a) il supervise l'interrogatoire conformément aux conditions de l'autorisation que lui a donnée le tribunal, aux présentes règles et au droit de la preuve de l'Ontario, à moins que le droit de la compétence territoriale où l'interrogatoire doit avoir lieu n'exige une autre forme d'interrogatoire;
- b) il fait et conserve une copie de l'enregistrement de l'interrogatoire et, si possible, des pièces, s'il y en a;
- c) il remet l'original de l'enregistrement, les pièces et l'autorisation au greffier qui a délivré celle-ci;
- d) il avise la partie qui a demandé l'interrogatoire que l'enregistrement a été remis au greffier.

RÉCEPTION DE TÉMOIGNAGES AVANT LE PROCÈS À L'EXTÉRIEUR DE L'ONTARIO

23. (19) Si une personne dont le témoignage est nécessaire au procès habite à l'extérieur de l'Ontario, les paragraphes 20 (14) et (15) (interrogation d'une personne de l'extérieur de l'Ontario, fonctions du commissaire) s'appliquent, avec les adaptations nécessaires.

2. Le droit de l'Ontario s'applique à la réception des témoignages, à moins que celui de la province, du territoire, de l'État ou du pays où vous supervisez l'interrogatoire ne vous impose une autre méthode d'interrogation.

3. Avant d'entreprendre vos fonctions aux termes de la présente autorisation, vous devez prêter le serment ou faire l'affirmation solennelle qui suit :

Je, (nom du ou de la commissaire)

- ☐ jure ☐ affirme solennellement
- que : a) je recueillerai le témoignage de chacun des témoins que j'interroge aux termes de la présente autorisation au mieux de ma compétence et de mes connaissances, de façon honnête et loyale et sans parti pris;
- b) je ferai ☐ enregistrer ☐ enregistrer et transcrire les témoignages et les ferai parvenir au tribunal.

(Dans le cas d'un serment, ajoutez les mots : «Ainsi Dieu me soit en aide.»)

Déclaré sous serment/Affirmé solennellement devant moi à
municipalité

à/en/au
province, État ou pays

le
date

Commissaire aux affidavits

(Dactylographiez le nom ou écrivez-le en caractères d'imprimerie ci-dessous si la signature est illisible.)

Signature

(La présente formule doit être signée en présence d'un avocat, d'un juge de paix, d'un notaire ou d'un commissaire aux affidavits.)

Suite à la page suivante ➡

Formule 20A : Autorisation du commissaire (page 3)

Numéro de dossier du greffe

Vous pouvez prêter ce serment ou faire cette affirmation solennelle devant toute personne que l'article 45 de la *Loi sur la preuve* de l'Ontario autorise à recevoir les affidavits, à faire prêter serment ou à faire faire des affirmations solennelles à l'extérieur de l'Ontario. Voici le texte de l'article 45 de la *Loi sur la preuve* :

45. Prestation d'un serment à l'extérieur de l'Ontario. —(1) Le serment, l'affidavit, l'affirmation ou la déclaration solennelle faits à l'extérieur de l'Ontario ont, à toutes fins, la même validité et le même effet que s'ils étaient dûment faits en Ontario devant un commissaire aux affidavits pour l'Ontario, s'ils sont faits devant :

- a) un juge;
 - b) un magistrat;
 - c) un officier d'une cour de justice;
 - d) un commissaire aux affidavits ou une autre autorité compétente du même genre;
 - e) un notaire;
 - f) le président du conseil d'une municipalité et notamment d'une cité, d'une ville, d'un village ou d'un canton;
 - g) un agent d'un service diplomatique ou consulaire de Sa Majesté, y compris un ambassadeur, envoyé, ministre, chargé d'affaires, conseiller, secrétaire, attaché, consul général, consul, vice-consul, proconsul, agent consulaire, consul général intérimaire, consul intérimaire, vice-consul intérimaire ou agent consulaire intérimaire;
 - h) un agent des services de représentation ou des services diplomatiques ou consulaires canadiens, y compris, en plus des agents diplomatiques et consulaires visés à l'alinéa g), un haut-commissaire, un délégué permanent, un haut-commissaire intérimaire, un délégué permanent intérimaire, un conseiller et un secrétaire;
 - i) un délégué commercial du gouvernement canadien ou un adjoint au délégué commercial,
- qui exerce ses fonctions ou qui possède la compétence ou l'autorité de les exercer à l'endroit où le serment, l'affidavit, l'affirmation ou la déclaration solennelle ont été faits.

(2) *idem* — Le serment, l'affidavit, l'affirmation ou la déclaration solennelle faits à l'extérieur de l'Ontario devant un notaire de l'Ontario ou un commissaire aux affidavits pour l'Ontario a, à toutes fins, la même validité et le même effet que s'ils étaient faits en Ontario devant un commissaire aux affidavits pour l'Ontario.

(3) *Admissibilité* — Le document qui se présente comme étant signé par une personne visée au paragraphe (1) ou (2) pour attester qu'un serment, un affidavit, une affirmation ou une déclaration solennelle ont été faits devant elle et indiquant la qualité du signataire sous sa signature, est admissible en preuve sans qu'il soit nécessaire de prouver l'authenticité de la signature, la fonction ou la qualité officielle du signataire, le sceau ou l'estampille ni le fait que cette personne exerçait ses fonctions ou qu'elle possédait la compétence ou l'autorité de les exercer à l'endroit où le serment, l'affidavit, l'affirmation ou la déclaration solennelle ont été faits si :

- a) dans le cas d'un notaire, le document se présente comme portant son sceau officiel ou étant accompagné de celui-ci;
- b) dans le cas d'une personne visée à l'alinéa (1) f), le document se présente comme portant le sceau de la municipalité ou étant accompagné de celui-ci;
- c) dans le cas d'une personne visée à l'alinéa (1) g), h) ou i), le document se présente comme portant son sceau, le sceau ou l'estampille relative à sa qualité ou au service auquel elle est rattachée ou comme étant accompagné de ces sceaux ou de cette estampille.

4. La partie qui veut que le témoin soit interrogé doit :

- a) donner un préavis d'au moins jours de la date de l'interrogatoire;
- b) verser une indemnité de présence au témoin si l'ordonnance ci-jointe l'exige.

5. Vous devez prendre des dispositions :

- a) pour faire enregistrer les témoignages de la manière indiquée dans l'ordonnance ci-jointe;
- b) pour les faire transcrire, si l'ordonnance l'exige.

Vous devez faire prêter le serment suivant ou faire faire l'affirmation solennelle suivante à la personne qui enregistre les témoignages sous forme de notes sténographiques et, au besoin, à celle qui transcrit tout enregistrement écrit, audio ou vidéo de ces témoignages :

Vous ☐ jurez ☐ affirmez solennellement
que vous allez ☐ enregistrer
☐ transcrire
☐ enregistrer et transcrire

fidèlement toutes les questions posées à chacun des témoins et leurs réponses, conformément aux directives du commissaire. (Dans le cas d'un serment, ajoutez les mots : «Ainsi Dieu vous soit en aide.»)

Suite à la page suivante ➡

Formule 20A : Autorisation du commissaire (page 4)

Numéro de dossier du greffe

6. Vous devez faire prêter le serment suivant ou faire faire l'affirmation solennelle suivante à chacun des témoins dont vous recueillez le témoignage :

Vous ☐ jurez ☐ affirmez solennellement

que le témoignage que vous êtes sur le point de rendre au sujet des questions en litige entre les parties dans cette cause sera la vérité, toute la vérité, rien que la vérité. *(Dans le cas d'un serment, ajoutez les mots : «Ainsi Dieu vous soit en aide.»)*

7. Si le témoin ne comprend pas la langue dans laquelle il est interrogé ou qu'il est sourd ou muet, son témoignage doit être rendu par l'intermédiaire d'un ou d'une interprète. Vous devez d'abord faire prêter le serment suivant ou faire faire l'affirmation solennelle suivante à l'interprète :

Vous ☐ jurez ☐ affirmez solennellement

que vous comprenez la langue et celle dans laquelle doit se dérouler l'interrogatoire et que vous allez interpréter fidèlement

☐ le serment ☐ l'affirmation solennelle

de tous les témoins, de même que toutes les questions qui seront posées au témoin et ses réponses, au mieux de votre compétence et de votre entendement. *(Dans le cas d'un serment, ajoutez les mots : «Ainsi Dieu vous soit en aide.»)*

8. Vous devez :

- a) remplir l'attestation qui se trouve à la page suivante;
- b) faire une copie :
 - (i) de l'enregistrement audio ou vidéo des témoignages,
 - (ii) des transcriptions des témoignages,
 - (iii) si possible, des pièces à conviction;
- c) conserver les copies jusqu'à ce que le tribunal ait rendu sa décision;
- d) envoyer par la poste ou livrer les originaux, y compris la présente autorisation et votre attestation, au greffier du tribunal;
- e) aviser immédiatement la partie qui a demandé l'interrogatoire que les pièces ont été envoyées au greffier du tribunal.

Formule 20A : Autorisation du commissaire (page 5)

Numéro de dossier du greffe

ATTESTATION DU OU DE LA COMMISSAIRE

Je m'appelle (*nom et prénom officiels*)
et j'atteste ce qui suit :

- ☐ J'ai ☐ fait prêter le serment approprié ☐ fait faire l'affirmation solennelle appropriée
à (*nom*)
qui est la personne qui a ☐ enregistré les témoignages sous forme de notes sténographiques.
☐ transcrit les témoignages.
- ☐ J'ai ☐ fait prêter le serment approprié ☐ fait faire l'affirmation solennelle appropriée
à (*nom du ou des témoins*)
dont les témoignages ont été recueillis et enregistrés.
- ☐ J'ai ☐ fait prêter le serment approprié ☐ fait faire l'affirmation solennelle appropriée
à (*nom de l'interprète*)
soit l'interprète par l'intermédiaire de qui les témoignages ont été donnés.
- ☐ Le témoignage du ou des témoins a été recueilli comme il se doit et fidèlement
☐ enregistré
☐ enregistré et transcrit

*Signature du ou de la commissaire*_____
Date de la signature



(Nom du tribunal)

Numéro de dossier du greffe

situé(e) au _____
Adresse du greffe

Formule 20B : Lettre
de demande

Requérant(e)(s)

<p><i>Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i></p>	<p><i>Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i></p>
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Intimé(e)(s)

<p><i>Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i></p>	<p><i>Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i></p>
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AUX AUTORITÉS JUDICIAIRES DE (nom de la province, de l'État ou du pays)

UNE CAUSE A ÉTÉ INTRODUITE DEVANT CE TRIBUNAL CONCERNANT LES PERSONNES NOMMÉES CI-DESSUS. LES TÉMOIGNAGES RECUEILLIS DEVANT LE TRIBUNAL INDIQUENT QU'UN TÉMOIN QUI RÉSIDE DANS VOTRE RESSORT DEVRAIT Y ÊTRE INTERROGÉ. NOUS AVONS DÉLIVRÉ UNE AUTORISATION À (nom et adresse du commissaire)

pour qu'il ou elle interroge (nom et adresse du témoin)

NOUS VOUS DEMANDONS DE FAIRE EN SORTE QUE (nom du témoin)

- a) compare paraisse devant le ou la commissaire selon la méthode habituellement en usage dans votre ressort;
- b) réponde à des questions sous serment ou affirmation solennelle;
- c) apporte à l'interrogatoire les documents ou choses qui sont indiqués dans la présente demande.

NOUS VOUS DEMANDONS ÉGALEMENT DE permettre au ou à la commissaire d'interroger le témoin conformément au droit de la preuve et aux règles de pratique de l'Ontario ainsi qu'à l'autorisation délivrée par ce tribunal.

Les tribunaux de l'Ontario accepteront volontiers de vous rendre le même service si jamais vous nous le demandez.

LA PRÉSENTE LETTRE DE DEMANDE est signée et scellée par le tribunal en vertu d'une ordonnance rendue le (date de l'ordonnance)

Greffier du tribunal

Date de la signature

Suite à la page suivante ➡

Formule 20B : Lettre de demande (page 2)

Numéro de dossier du greffe

(Indiquez la date de chaque document que le témoin devrait apporter et donnez une description assez précise de chaque document ou chose qu'il doit apporter pour pouvoir l'identifier.)

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page. Au besoin, joignez des feuilles supplémentaires et numérotez-les.

Numéro de dossier du greffe

(Nom du tribunal)

**Formule 22 : Demande
d'admission**situé(e) au _____
Adresse du greffe**Requérant(e)s**

<i>Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i>	<i>Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i>

Intimé(e)s

<i>Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i>	<i>Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i>

À : (nom de la partie)

VOUS DEVEZ RÉPONDRE À LA PRÉSENTE DEMANDE AU PLUS TARD 20 JOURS APRÈS QU'ELLE VOUS EST SIGNIFIÉE.

Pour le faire, vous devez signifier une *Réponse à la demande d'admission* selon la formule 22A, dont un exemplaire devrait être joint à la présente demande. S'il ne l'est pas, communiquez avec votre avocat(e) ou le greffe dès que possible.

SI VOUS NE RÉPONDEZ PAS DANS LE DÉLAI QUI VOUS EST ACCORDÉ, LE TRIBUNAL TIENDRA POUR ACQUIS QUE VOUS ADMETTEZ, aux fins de cette cause seulement, QUE LES FAITS ÉNONCÉS CI-DESSOUS SONT VÉRIDIQUES ET QUE LES DOCUMENTS DÉCRITS CI-DESSOUS SONT AUTHENTIQUES.

Nous vous demandons d'admettre, aux fins de cette cause seulement, que les faits suivants sont véridiques : (Au besoin, joignez des feuilles supplémentaires.)

- 1.
- 2.
- 3.
- 4.
- 5.

Suite à la page suivante ➡

Formule 22 : Demande d'admission (page 2)

Numéro de dossier du greffe

Nous vous demandons d'admettre, aux fins de cette cause seulement, que les documents suivants sont authentiques. (Par «authentique», on entend également ce qui suit :

- qu'un document qui se présente comme un original a été rédigé, signé ou scellé comme il semble l'avoir été;
- qu'un document qui se présente comme une copie est une copie conforme de l'original;
- lorsqu'il se présente comme une copie d'une lettre, d'une télécopie, d'un message électronique ou d'un autre document envoyé ordinairement d'une personne à une autre, que le document a été envoyé comme il semble l'avoir été et a été reçu par le destinataire.

Décrivez chaque document et identifiez-le en indiquant la date, le genre de document, l'auteur et le destinataire, entre autres. Indiquez également s'il s'agit de l'original ou d'une copie. Au besoin, joignez des feuilles supplémentaires.)

1.

2.

3.

4.

5.

Une copie de chaque document énuméré ci-dessus est jointe à la présente demande, à l'exception de ce qui suit : (Indiquez le numéro de tout document que vous ne joignez PAS ainsi que la raison pour laquelle vous ne le faites pas. En général, vous devez joindre des copies de tous les documents mentionnés à moins que l'autre partie n'en ait déjà une copie ou qu'il ne soit pas pratique d'en joindre une.)

Signature

Date de la signature

Numéro de dossier du greffe

(Nom du tribunal)

**Formule 22A : Réponse à
la demande d'admission**

situé(e) au

Adresse du greffe

Requérant(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Intimé(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

À : (nom de la partie)

Voici ma réponse à votre **Demande d'admission** du (date)

qui m'a été signifiée le (date)

(Répondez en suivant la numérotation qui figure dans la **Demande d'admission**.)

1. J'admets que les faits suivants sont véridiques : (numéros des faits)
2. J'admets que les documents suivants sont authentiques : (numéros des documents)
3. Je nie que les faits suivants sont véridiques : (numéros des faits)
4. Je nie que les documents suivants sont authentiques : (numéros des documents)
5. Je refuse d'admettre que les faits suivants sont véridiques pour les raisons indiquées : (Au besoin, joignez des feuilles supplémentaires.)

Numéro du fait	Mes raisons

Suite à la page suivante ➡

Formule 22A : Réponse à la demande d'admission (page 2)

Numéro de dossier du greffe

6. Je refuse d'admettre que les documents suivants sont authentiques pour les raisons indiquées : (*Au besoin, joignez des feuilles supplémentaires.*)

<i>Numéro du document</i>	<i>Mes raisons</i>

Signature

Date de la signature

Numéro de dossier du greffe

(Nom du tribunal)

**Formule 23 : Assignation
de témoin**situé(e) au _____
Adresse du greffe**Requérant(e)(s)**

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Intimé(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

À : (nom et prénom officiels du témoin)

domicilié(e) au (adresse : numéro et rue, municipalité, code postal)

VOUS DEVEZ :**(1) vous rendre au** (adresse : numéro et rue, municipalité)

le (date). à (heure). ;

(2) témoigner dans la cause ou lors de l'interrogatoire devant (tribunal ou autre personne)**(3) apporter les documents et choses indiqués dans la présente assignation;****(4) rester jusqu'à la fin de la cause ou de l'interrogatoire ou jusqu'à ce que la personne qui préside vous dise que vous pouvez partir.**

En même temps que la présente assignation, vous devriez recevoir une indemnité de présence pour jour(s), calculée comme suit :

Indemnité de présence de \$ par jour \$

Indemnité de déplacement de \$ à l'aller et au retour \$

Indemnité d'hébergement à l'hôtel et de repas \$

TOTAL \$

Si la cause ou l'interrogatoire dure plus longtemps, vous aurez droit à une indemnité supplémentaire

Date de délivrance**SI VOUS NE VOUS PRÉSENTEZ PAS ET NE RESTEZ PAS
COMME L'EXIGE LA PRÉSENTE ASSIGNATION, UN
MANDAT D'ARRÊT PEUT ÊTRE DÉCERNÉ CONTRE
VOUS.**

Suite à la page suivante ➡

Formule 23 : Assignment de témoin (page 2)

Numéro de dossier du greffe

(Indiquez la date de chaque document que le témoin doit apporter et donnez une description assez précise de chaque document ou chose qu'il doit apporter pour pouvoir l'identifier.)

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page. Au besoin, joignez des pages supplémentaires et numérotez-les.

Nom, adresse, numéros de téléphone et de télécopieur et adresse électronique de la personne ou de l'avocat(e) qui a préparé la présente assignation.



(Nom du tribunal)

Numéro de dossier du greffe

situé(e) au _____
Adresse du greffe

Formule 23A :
Assignment
d'un témoin de l'exté-
rieur de l'Ontario

Requérant(e)s

<p><i>Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i></p>	<p><i>Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i></p>
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Intimé(e)s

<p><i>Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i></p>	<p><i>Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i></p>
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À : (nom et prénom officiels du témoin)

domicilié(e) au (adresse : numéro et rue, municipalité, code postal)

VOUS DEVEZ :

(1) vous rendre au (adresse : numéro et rue, municipalité)

le (date) à (heure) ;

(2) témoigner dans la cause ou lors de l'interrogatoire devant (tribunal ou autre personne)

(3) apporter les documents et choses indiqués dans la présente assignation;

(4) rester jusqu'à la fin de la cause ou de l'interrogatoire ou jusqu'à ce que la personne qui préside vous dise que vous pouvez partir.

En même temps que la présente assignation, vous devriez recevoir une indemnité de présence pour jour(s), calculée comme suit :

Indemnité de présence de 20 \$ par jour pour chaque	
jour où vous n'êtes pas à votre domicile (au moins 60 \$)\$
Indemnité de déplacement\$
Indemnité d'hébergement à l'hôtel pour au moins	
3 jours (au moins 60 \$)\$
Indemnité de repas pour au moins 3 jours (au moins 60 \$)\$
TOTAL\$

Si la cause ou l'interrogatoire dure plus longtemps, vous aurez droit à une indemnité supplémentaire.

SI VOUS NE VOUS PRÉSENTEZ PAS ET NE RESTEZ PAS COMME L'EXIGE LA PRÉSENTE ASSIGNATION, UN MANDAT D'ARRÊT PEUT ÊTRE DÉCERNÉ CONTRE VOUS.

Date de délivrance

Signature du greffier du tribunal

Suite à la page suivante ➔

**Formule 23A : Assignment d'un témoin
de l'extérieur de l'Ontario (page 2)**

Numéro de dossier du greffe

(Indiquez la date de chaque document que le témoin doit apporter et donnez une description assez précise de chaque document ou chose qu'il doit apporter pour pouvoir l'identifier.)

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page. Au besoin, joignez des pages supplémentaires et numérotez-les.

La présente assignation a été délivrée à la demande de la personne suivante, à qui vous pouvez vous adresser pour tous renseignements :

(Nom, adresse, numéros de téléphone et de télécopieur et adresse électronique de la personne ou de l'avocat(e) qui a préparé la présente assignation.)

**Formule 23A : Assignment d'un témoin
de l'extérieur de l'Ontario (page 3)**

Numéro de dossier du greffe

ATTESTATION DU OU DE LA JUGE

Je, (nom), juge de (nom du tribunal),
ATTESTE QUE j'ai entendu et interrogé (nom de la ou des parties qui ont demandé la présente assignation et de leur avocat)

qui désire(nt) contraindre (nom du ou des témoins)

à comparaître pour produire des documents ou autres objets ou pour témoigner, ou les deux, dans une cause de l'Ontario portée
devant (nom du tribunal où doit comparaître le témoin)
et concernant (nom des parties dans la cause et numéro de dossier du greffe)

J'ATTESTE EN OUTRE QUE je suis convaincu(e) que la comparution de (nom du ou des témoins)

comme témoin(s) dans la cause est nécessaire à la résolution équitable de celle-ci et qu'elle est, vu la nature et l'importance
de la cause ou de l'instance, raisonnable et essentielle à la bonne administration de la justice en Ontario.

La *Loi sur les assignations interprovinciales* prévoit ce qui suit pour assurer l'immunité de (nom du ou des témoins)

Toute personne tenue de comparaître devant un tribunal de l'Ontario en vertu d'une assignation homologuée par un tribunal
en dehors de l'Ontario est réputée, tant qu'elle demeure en Ontario aux fins auxquelles l'assignation a été délivrée, ne pas s'être
soumise à la compétence des tribunaux de l'Ontario autrement que comme témoin dans l'instance où elle a été assignée. Elle
jouit d'une immunité absolue à l'égard de toute saisie de biens, signification, exécution de jugement, saisie-arrêt, peine
d'emprisonnement ou ennuï de quelque nature que ce soit relié à un droit légal ou judiciaire, ou à une cause, une action, une
instance ou un acte de procédure relevant de la compétence législative de l'Ontario, à l'exception seulement des instances
fondées sur des événements survenus pendant ou après la comparution obligée de la personne en Ontario.

(Signature du ou de la juge)

(Date de la signature)

SCEAU



(Nom du tribunal)

Numéro de dossier du greffe

situé(e) au _____
Adresse du greffe

.....
Formule 23B :
Ordonnance de
comparution d'un(e)
détenu(e)

Requérant(e)(s)

Nom et prénom officiels et adresse aux fins de signification —
numéro et rue, municipalité, code postal, numéros de téléphone
et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité,
code postal, numéros de téléphone et de télécopieur et adresse
électronique (le cas échéant).

Juge (écrivez le nom en caractères
d'imprimerie ou
dactylographiez-le)

Intimé(e)(s)

Nom et prénom officiels et adresse aux fins de signification —
numéro et rue, municipalité, code postal, numéros de téléphone
et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité,
code postal, numéros de téléphone et de télécopieur et adresse
électronique (le cas échéant).

Date de l'ordonnance

AUX AGENTS DE (nom de l'établissement correctionnel ou autre)

ET À TOUS LES AGENTS DE LA PAIX DE L'ONTARIO :

CE TRIBUNAL a constaté qu'un(e) détenu(e) de l'établissement indiqué ci-dessus, (nom et prénom officiels de la personne)

- est ☐ une partie à cette cause;
☐ un témoin dont la présence est nécessaire pour décider d'une question dans cette cause.

CE TRIBUNAL ORDONNE CE QUI SUIVIT :

1. Que vous ameniez le/la détenu(e) devant ☐ ce tribunal
☐ (Précisez l'autre officier devant lequel il ou elle doit se présenter)

le (date). à (heure). au (adresse)

pour lui permettre de se rendre au tribunal ou de se faire interroger dans cette cause.

2. Que le/la détenu(e) soit retourné(e) et réadmis(e) immédiatement après à l'établissement correctionnel ou autre.

Date de la signature

Signature du juge ou du greffier du tribunal

Numéro de dossier du greffe

(Nom du tribunal)

**Formule 23C : Affidavit
pour un procès non
contesté, daté du**

situé(e) au _____ Adresse du greffe

Requérant(e)(s)

<p>Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</p>	<p>Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</p>
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Intimé(e)(s)

<p><i>Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i></p>	<p><i>Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i></p>
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Je m'appelle (*nom et prénom officiels*)

J'habite à (municipalité et province)

et je déclare sous serment/j'affirme solennellement que les renseignements suivants sont véridiques :

1. Je suis le/la requérant(e) dans cette cause.
2. Il y a (nombre) enfant(s) né(s) de notre union, à savoir

Nom et prénom officiels	Âge	Date de naissance	Habite à (municipalité et province)	Habite actuellement avec (nom de la personne et lien de parenté avec l'enfant)

3. Je demande l'ordonnance suivante :
- ☐ une ordonnance de garde de l'enfant ou des enfants nommés ci-dessus
 - ☐ une ordonnance accordant le droit de visite à l'enfant ou aux enfants nommés ci-dessus
 - ☐ une ordonnance alimentaire pour (*nom du ou des bénéficiaires*)
 - ☐ une ordonnance de ne pas faire contre (*nom*)
 - ☐ (*Autre. Précisez.*)
4. L'intimé(e) et moi-même :
- | | |
|---|---|
| <input type="checkbox"/> nous sommes mariés le (<i>date</i>) | <input type="checkbox"/> avons commencé à vivre ensemble le (<i>date</i>) |
| <input type="checkbox"/> nous sommes séparés le (<i>date</i>) | <input type="checkbox"/> n'avons jamais vécu ensemble |

Suite à la page suivante ➡

Formule 23C : Affidavit pour un procès non contesté (page 2)

Numéro de dossier du greffe

GARDE ET DROIT DE VISITE*Remplissez cette section si vous demandez la garde d'un ou de plusieurs des enfants.*

5. Une ordonnance m'accordant la garde de l'enfant ou des enfants est dans l'intérêt véritable de ceux-ci pour les raisons suivantes : *(Donnez les raisons.)*

6. Une ordonnance accordant à l'intimé(e) un droit de visite à l'enfant ou aux enfants
☐ est ☐ n'est pas
 dans l'intérêt véritable de ceux-ci pour les raisons suivantes : *(Donnez les raisons.)*

7. Si une ordonnance de visite est rendue, elle devrait :

- ☐ prévoir un droit de visite raisonnable sur préavis raisonnable;
- ☐ prévoir un droit de visite raisonnable sur préavis raisonnable, notamment aux conditions ci-dessous :
- ☐ l'être aux conditions suivantes :
 - ☐ une fin de semaine sur deux, de . . . heures le vendredi à . . . heures le dimanche ou le lundi, si le lundi est un jour férié, à compter du *(date)*
 - ☐ une semaine de relâche sur deux, à compter de *(année)*
 - ☐ semaines pendant les vacances d'été, à déterminer par les parties avant le 1^{er} avril de chaque année.
 - ☐ la moitié des vacances de Noël, du *(date)* au *(date)* selon la répartition suivante :
- ☐ la fête des Pères avec le père; la fête des Mères, avec la mère.
- ☐ *(Autre. Précisez.)*

Formule 23C : Affidavit pour un procès non contesté (page 3)

Numéro de dossier du greffe

ALIMENTS POUR LES ENFANTS*Remplissez cette section si vous demandez des aliments pour les enfants.*

8. Je demande des aliments pour (nombre) enfant(s).
9. Au mieux de ma connaissance, la ou les sources de revenu de l'intimé(e) sont les suivantes : (Cochez une ou plusieurs cases, selon les circonstances.)
- ☐ revenu d'emploi auprès de (nom de l'employeur)
- ☐ commissions, pourboires, temps supplémentaire, primes et autres
- ☐ travail indépendant sous le nom ou à titre de (nom ou nature de l'entreprise de l'intimé(e))
- ☐ (Autre. Précisez.)
10. Je crois que le revenu actuel annuel de l'intimé(e) de toutes provenances s'élève à \$ pour les raisons suivantes : (Donnez les raisons pour lesquelles vous croyez que la somme indiquée est exacte.)

ALIMENTS POUR LE CONJOINT*Remplissez cette section si vous demandez des aliments pour vous-même.*

11. J'ai besoin d'aliments pour moi-même pour les raisons suivantes : (Précisez vos besoins financiers.)

ORDONNANCE DE NE PAS FAIRE*Remplissez cette section si vous demandez une ordonnance de ne pas faire contre l'intimé(e).*

12. J'ai besoin d'une ordonnance qui interdit à l'intimé(e) de nous importuner, de nous molester ou de nous harceler, mes enfants et moi-même, ou de s'approcher à moins de (distance) mètres de : (Cochez une ou plusieurs cases)
- ☐ moi-même
- ☐ mon domicile au (adresse)
- ☐ mon lieu de travail au (adresse)
- ☐ mes enfants
- ☐ l'école de mes enfants (Nom de l'école)
- ☐ ((Autre. Précisez.)
- pour les raisons suivantes : (Donnez les raisons pour lesquelles vous avez besoin d'une ordonnance de ne pas faire et pour les distances indiquées.)

Formule 23C : Affidavit pour un procès non contesté (page 4)

Numéro de dossier du greffe

ABSENCE DE SIGNIFICATION*Remplissez cette section si l'intimé(e) ne fera pas ou n'a pas fait l'objet d'une signification.*

REMARQUE : Les Règles en matière de droit de la famille exigent que tous les documents soient signifiés à la partie adverse. Le tribunal vous permettra de ne pas le faire seulement dans des circonstances exceptionnelles, par exemple :

1. Une situation d'urgence dans laquelle il n'y a pas assez de temps pour signifier les documents ou dans laquelle leur signification mettrait une partie ou un enfant en danger ou aurait d'autres conséquences graves.
2. Lorsque le tribunal est convaincu que tous les efforts possibles ont été déployés pour trouver l'autre partie et qu'il est impossible de les lui signifier d'aucune façon.

13. Je ne signifie pas ma requête ou ma motion à l'intimé(e) pour les raisons suivantes :

AUTRES QUESTIONS EN LITIGE

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page

Déclaré sous serment/Affirmé solennellement devant moi à

municipalité

à/en/au

province, État ou pays

le.

date

Commissaire aux affidavits

(Dactylographiez le nom ou écrivez-le en caractères d'imprimerie ci-dessous si la signature est illisible.)

Signature

(La présente formule doit être signée en présence d'un avocat, d'un juge de paix, d'un notaire ou d'un commissaire aux affidavits.)



(Nom du tribunal)

Numéro de dossier du greffe

situé(e) au _____
Adresse du greffe

.....
**Formule 25 :
Ordonnance
(formule générale)**
☐ temporaire
☐ définitive

Requérant(e)(s)

Nom et prénom officiels et adresse aux fins de signification —
numéro et rue, municipalité, code postal, numéros de téléphone
et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité,
code postal, numéros de téléphone et de télécopieur et adresse
électronique (le cas échéant).

Juge (écrivez le nom en caractères
d'imprimerie ou
dactylographiez-le)

Intimé(e)(s)

Nom et prénom officiels et adresse aux fins de signification —
numéro et rue, municipalité, code postal, numéros de téléphone
et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité,
code postal, numéros de téléphone et de télécopieur et adresse
électronique (le cas échéant).

Date de l'ordonnance

Le tribunal a entendu une requête ou une motion présentée par (nom de la ou des personnes)

Les personnes suivantes étaient présentes au tribunal (nom des parties et des avocats présents)

Le tribunal a recueilli des témoignages et entendu des observations au nom de (nom(s))

CE TRIBUNAL ORDONNE CE QUI SUIT :

Suite à la page suivante ➡

Formule 25 : Ordonnance (formule générale) (page 2) Numéro de dossier du greffe

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page. Au besoin, joignez des pages supplémentaires.

Date de la signature

Signature du juge ou du greffier du tribunal



Numéro de dossier du greffe

(Nom du tribunal)

situé(e) au

Adresse du greffe

**Formule 25A :
Ordonnance
de divorce**
Requérant(e)(s)

Nom et prénom officiels et adresse aux fins de signification —
numéro et rue, municipalité, code postal, numéros de téléphone
et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité,
code postal, numéros de téléphone et de télécopieur et adresse
électronique (le cas échéant).

Juge (écrivez le nom en caractères
d'imprimerie ou
dactylographiez-le)

Date de l'ordonnance

Intimé(e)(s)

Nom et prénom officiels et adresse aux fins de signification —
numéro et rue, municipalité, code postal, numéros de téléphone
et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité,
code postal, numéros de téléphone et de télécopieur et adresse
électronique (le cas échéant).

Le tribunal a entendu une requête de (nom)

le (date)

Les personnes suivantes étaient présentes au tribunal (Indiquez le nom des parties et des avocats présents. Ce paragraphe peut être biffé si le divorce n'est pas contesté.)

Le tribunal a recueilli des témoignages et entendu des observations au nom de (nom(s))

CE TRIBUNAL ORDONNE QUE :

1. (nom et prénom officiels des conjoints)

qui se sont mariés à (lieu)

le (date)

soient divorcés et que le divorce prenne effet jours après la date de la présente ordonnance.

(Ajoutez d'autres paragraphes si le tribunal ordonne d'autres mesures de redressement.)

Suite à la page suivante ➡

Formule 25A : Ordonnance de divorce (page 2)

Numéro de dossier du greffe

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page. Au besoin, joignez des pages supplémentaires.

Date de la signature

Signature du juge ou du greffier du tribunal

REMARQUE : *Aucun des conjoints ne peut se remarier avant que la présente ordonnance ne prenne effet, auquel moment vous pouvez obtenir un Certificat de divorce auprès du greffe.*



Numéro de dossier du greffe

(Nom du tribunal)

situé(e) au _____

Adresse du greffe

**Formule 25B :
Ordonnance portant
sur le traitement
en milieu fermé**

Requérant(e)(s)

Nom et prénom officiels et adresse aux fins de signification —
numéro et rue, municipalité, code postal, numéros de téléphone
et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité,
code postal, numéros de téléphone et de télécopieur et adresse
électronique (le cas échéant).

Juge (écrivez le nom en caractères
d'imprimerie ou
dactylographiez-le)

Date de l'ordonnance

Intimé(e)(s)

Nom et prénom officiels et adresse aux fins de signification —
numéro et rue, municipalité, code postal, numéros de téléphone
et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité,
code postal, numéros de téléphone et de télécopieur et adresse
électronique (le cas échéant).

Le tribunal a entendu une requête de (nom de la ou des personnes)

Les personnes suivantes étaient présentes au tribunal (nom des parties et des avocats présents)

Le tribunal a recueilli des témoignages et entendu des observations au nom de (nom(s))

CE TRIBUNAL ORDONNE QUE :

- ☐ (nom et prénom officiels de l'enfant)
soit placé(e) dans le programme de traitement en milieu fermé offert (nom du programme et adresse)
pour une période de jours, à compter du (date)
- ☐ le placement de (nom et prénom officiels de l'enfant)
dans le programme de traitement en milieu fermé offert (nom du programme et adresse)
- soit prolongé pour une période de jours à compter du (date)
- ☐ la présente requête en vue d'obtenir une ordonnance ☐ de placement
☐ de prolongation du placement
- de (nom et prénom officiels de l'enfant)
dans le programme de traitement en milieu fermé offert (nom du programme et adresse)
- soit rejetée.
- ☐ (Autre. Précisez.)

Suite à la page suivante ➡

**Formule 25B : Ordonnance portant sur le
traitement en milieu fermé (page 2)**

Numéro de dossier du greffe

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page. Au besoin, joignez des pages supplémentaires.

Date de la signature

Signature du juge ou du greffier du tribunal

AVIS À L'ADMINISTRATEUR DU PROGRAMME DE TRAITEMENT EN MILIEU FERMÉ : Le paragraphe 118 (3) de la *Loi sur les services à l'enfance et à la famille* dit ce qui suit :

Dans le calcul de la durée du placement de l'enfant, sont comptés les jours passés en traitement en milieu fermé avant que soit rendue une ordonnance en vertu de l'article 117 (placement) ou en attendant qu'une requête soit présentée en vertu de l'article 120 (prorogation).

NOTEZ ÉGALEMENT que l'article 125 de la *Loi sur les services à l'enfance et à la famille* autorise un agent de la paix à amener un enfant dans un lieu où existe un programme de traitement en milieu fermé si une ordonnance de placement de l'enfant dans un tel programme a été rendue en vertu de l'article 117.



(Nom du tribunal) Numéro de dossier du greffe

situé(e) au _____
Adresse du greffe

**Formule 25C :
Ordonnance
d'adoption**

Requérant(e)(s)

*Nom et prénom officiels et adresse aux fins de signification —
numéro et rue, municipalité, code postal, numéros de téléphone
et de télécopieur et adresse électronique (le cas échéant).*

*Nom et adresse de l'avocat(e) — numéro et rue, municipalité,
code postal, numéros de téléphone et de télécopieur et adresse
électronique (le cas échéant).*

Juge (écrivez le nom en caractères
d'imprimerie ou
dactylographiez-le)

Date de l'ordonnance

Intimé(e)(s)

*Nom et prénom officiels et adresse aux fins de signification —
numéro et rue, municipalité, code postal, numéros de téléphone
et de télécopieur et adresse électronique (le cas échéant).*

*Nom et adresse de l'avocat(e) — numéro et rue, municipalité,
code postal, numéros de téléphone et de télécopieur et adresse
électronique (le cas échéant).*

Le tribunal a entendu une requête de (nom de la ou des personnes)

Les personnes suivantes étaient présentes au tribunal (nom des parties et des avocats présents)

Le tribunal a recueilli des témoignages et entendu des observations au nom de (nom(s))

CE TRIBUNAL ORDONNE CE QUI SUIIT :

1. L'enfant est adopté comme enfant de (nom des requérant(e)s)
2. L'enfant s'appelle (nom et prénom officiels de l'enfant)

Date de la signature

Signature du juge ou du greffier du tribunal



(Nom du tribunal)

Numéro de dossier du greffe

situé(e) au

Adresse du greffe

Formule 25D : Ordonnance (procès non contesté)
☐ temporaire
☐ définitive

Requérant(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Juge (écrivez le nom en caractères d'imprimerie ou dactylographiez-le)

Date de l'ordonnance

Intimé(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Le tribunal a entendu une requête ou une motion présentée par (nom de la ou des personnes)

Les personnes suivantes étaient présentes au tribunal (nom des parties et des avocats présents)

Le tribunal a recueilli des témoignages et entendu des observations au nom de (nom(s))

La présente ordonnance concerne les enfants suivants :

Nom et prénom officiels de l'enfant	Date de naissance (j,m,a)	Sexe

FILIATION

☐ 1. **CE TRIBUNAL conclut que :**

- ☐ chaque enfant mentionné ci-dessus est un enfant à charge au sens de la *Loi sur le divorce*.
- ☐ le/la requérant(e) et l'intimé(e) sont les père et mère de chaque enfant mentionné ci-dessus au sens de la *Loi sur le droit de la famille* et de la *Loi portant réforme du droit de l'enfance*.
- ☐ (Autre. Précisez.)

Suite à la page suivante ➡

**Formule 25D : Ordonnance
(procès non contesté) (page 2)**

Numéro de dossier du greffe

GARDE☐ 2. **CE TRIBUNAL ORDONNE** que la garde☐ provisoire ☐ définitive☐ exclusive ☐ partagée

de chaque enfant mentionné ci-dessus soit accordée à (nom(s))

DROIT DE VISITE☐ 3. **CE TRIBUNAL ORDONNE** que (nom) ait un droit de visite☐ provisoire ☐ définitif

à chaque enfant mentionné ci-dessus. Les conditions du droit de visite sont les suivantes :

☐ une fin de semaine sur deux, de heures le vendredi à heures le dimanche ou le lundi, si le lundi est un jour férié, à compter du (date)☐ une semaine de relâche sur deux, à compter de (année)☐ semaines pendant les vacances d'été, à déterminer par les parties avant le 1^{er} avril de chaque année.☐ la moitié des vacances de Noël, du (date) au (date)

....., selon la répartition suivante :

☐ la fête des Pères avec le père; la fête des Mères, avec la mère.☐ (Autre. Précisez.)**ALIMENTS POUR LES ENFANTS**☐ 4. **CE TRIBUNAL CONCLUT** que (nom du payeur ou de la payeuse) a un revenu de \$et lui **ORDONNE** de verser la somme de \$ par mois, à (nom du ou de la bénéficiaire) à compter du (date) au profit de l'enfant ou des enfants mentionnés ci-dessus.

Ne remplir l'encadré qui suit uniquement si des suppléments pour l'enfant ou les enfants sont demandés.

CE TRIBUNAL CONCLUT que (nom du ou de la bénéficiaire) a un revenu de \$

et ordonne à (nom du payeur ou de la payeuse) de lui verser la somme de \$ par mois, à compter du (date) pour les dépenses spéciales ou extraordinaires (suppléments) de l'enfant ou des enfants mentionnés ci-dessus. Cette somme est répartie comme suit:

Nom de l'enfant	Nature de la dépense spéciale ou extraordinaire	Somme

ALIMENTS POUR LE CONJOINT☐ 5. **CE TRIBUNAL ORDONNE** que (nom du payeur ou de la payeuse) verse des aliments☐ provisoires ☐ définitifs

pour le conjoint de \$ par à (nom du ou de la bénéficiaire) à compter du (date)

☐ 6. **CE TRIBUNAL ORDONNE** que les aliments pour le conjoint prévus par la présente ordonnance soient rajustés annuellement selon le facteur d'indexation visé au paragraphe 34 (6) de la *Loi sur le droit de la famille*.

Suite à la page suivante ➡

**Formule 25D : Ordonnance
(procès non contesté) (page 3)**

Numéro de dossier du greffe

ALIMENTS IMPAYÉS

- ☐ 7. CE TRIBUNAL CONCLUT que le montant des aliments impayés s'élève à \$ au (date)
 et il ordonne que (nom du payeur ou de la payeuse)
 rembourse cette somme ☐ d'ici le (date)
☐ à raison de \$ par à compter
 du (date)

ALIMENTS — EXÉCUTION

- ☐ 8. CE TRIBUNAL ORDONNE que l'ordonnance alimentaire soit exécutée par le directeur du Bureau des obligations familiales, à moins qu'elle ne soit retirée de son bureau, et que les sommes dues aux termes de l'ordonnance soient payées au directeur, qui les remettra à la personne à qui elles sont dues.
- ☐ 9. CE TRIBUNAL ORDONNE que le greffier délivre une ordonnance de retenue des aliments aux termes de l'article 11 de la *Loi sur les obligations familiales et l'exécution des arriérés d'aliments* pour le versement périodique d'aliments.

BIENS

- ☐ 10. CE TRIBUNAL ORDONNE que

DIVULGATION

- ☐ 11. CE TRIBUNAL ORDONNE que (nom)
 signifie et dépose les documents suivants avant la prochaine date d'audience :
- ☐ un état financier à jour
- ☐ (Autre. Précisez.)

AUTRES QUESTIONS

- ☐ 12. CE TRIBUNAL ORDONNE que

Suite à la page suivante ➡

**Formule 25D : Ordonnance
(procès non contesté) (page 4)**

Numéro de dossier du greffe

DÉPENS

- ☐ 13. CE TRIBUNAL ORDONNE que (nom)
paie les dépens, fixés à \$, à (nom)

AJOURNEMENT

- ☐ 14. CE TRIBUNAL ORDONNE que la ou les questions portant sur
soient ajournées au (date) à (heure)
pour (but)

INTÉRÊTS

- ☐ 15. CE TRIBUNAL ORDONNE que les sommes dues aux termes de la présente ordonnance portent des intérêts au taux de
..... % par année.

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page. Au besoin, joignez des pages supplémentaires.

Date de la signature_____
Signature du juge ou du greffier du tribunal

Numéro de dossier du greffe

(Nom du tribunal)

**Formule 25E : Avis de
contestation de
l'approbation de
l'ordonnance**

situé(e) au

Adresse du greffe

Requérant(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Intimé(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

À : (nom des parties)

Je ne suis pas d'accord avec le texte de l'ordonnance dans cette cause pour les raisons suivantes : (Donnez vos raisons.)

Je demande que l'ordonnance soit reformulée. Ci-joint une copie de ma version de l'ordonnance.

LE GREFFIER DU TRIBUNAL DÉCIDERAIT DU TEXTE DE L'ORDONNANCE le (date)

à (heure), ou dès que possible par la suite, au (lieu où le texte sera décidé)

SI VOUS NE VOUS PRÉSENTEZ PAS, LE GREFFIER DU TRIBUNAL PEUT SIGNER L'ORDONNANCE ET LE TEXTE POURRAIT DIFFÉRER DE CELUI DE LA VERSION ORIGINALE.

Signature

Date de la signature

Numéro de dossier du greffe

(Nom du tribunal)

**Formule 26 : État des
sommes dues daté du**

situé(e) au

Adresse du greffe

Bénéficiaire(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Payeur ou payeuse

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Je m'appelle (nom et prénom officiels)**J'habite à** (municipalité et province)**et je déclare sous serment/j'affirme solennellement que les renseignements suivants sont véridiques :**

1. Je suis ☐ une personne qui a droit à des sommes aux termes d'une ordonnance, d'un contrat familial ou d'un accord de paternité qui est exécutoire devant ce tribunal.
 - ☐ le gardien, la gardienne, le tuteur ou la tutrice d'un enfant qui a droit à des sommes au profit de l'enfant aux termes d'une ordonnance, d'un contrat familial ou d'un accord de paternité qui est exécutoire devant ce tribunal.
 - ☐ le ou la cessionnaire d'une personne ou du gardien, de la gardienne, du tuteur ou de la tutrice d'un enfant qui a droit à des sommes aux termes d'une ordonnance, d'un contrat familial ou d'un accord de paternité qui est exécutoire devant ce tribunal.
 - ☐ un ou une mandataire du directeur du Bureau des obligations alimentaires.
 - ☐ (Autre. Précisez.)
2. Je joins une copie ☐ de l'ordonnance du tribunal ☐ du contrat familial
☐ de l'accord de paternité ☐ du cautionnement ou de l'engagement
 qui n'a pas été modifié par une ordonnance du tribunal ou un accord entre les parties, sauf (Écrivez «Néant» s'il n'y a eu aucune modification.)
3. Les paiements périodiques qui demeurent impayés à ce jour s'élèvent à \$ au total. Le calcul détaillé de cette somme est joint au présent état. (Reportez-vous à la marche à suivre.)
4. Les intérêts courus sur les paiements périodiques impayés entre la date de chaque paiement en défaut et aujourd'hui s'élèvent à \$. Le calcul détaillé des intérêts est joint au présent état. (Reportez-vous à la marche à suivre.)

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page.

Suite à la page suivante ➡

Formule 26 : État des sommes dues (page 2)

Numéro de dossier du greffe

MARCHE À SUIVRE POUR REMPLIR LA FORMULE 26 (État des sommes dues)

Point 3 :

Écrivez «Néant» :

a) si les paiements périodiques prévus par votre ordonnance, votre contrat familial ou votre accord de paternité sont acquittés en entier à ce jour;

b) si votre ordonnance, votre contrat familial ou votre accord de paternité n'exige pas que le payeur ou la payeuse fasse des paiements périodiques.

Si vous demandez le remboursement d'arriérés de paiements périodiques prévus par une ordonnance alimentaire, une amende ou confiscation à payer par versements échelonnés, un contrat familial ou un accord de paternité, vous **DEVEZ** joindre une ou plusieurs feuilles distinctes en annexe au présent état et y consigner l'historique ou le journal des paiements du payeur ou de la payeuse et de ses manquements. Le tableau ci-contre indique une façon de compiler ces renseignements. Le total général des paiements et des manquements doit correspondre à la somme qui figure au point 3.

Date	Somme due (Ajoutez au TOTAL)	Somme payée (Soustrayez du TOTAL)	TOTAL des sommes dues
4 sept. 1998	250 \$		250 \$
10 sept. 1998		250 \$	0 \$
18 sept. 1998	250 \$		250 \$
24 sept. 1998		150 \$	100 \$
2 oct. 1998	250 \$		350 \$
12 oct. 1998		125 \$	225 \$
18 oct. 1998	250 \$		475 \$
30 oct. 1998	250 \$		725 \$
30 oct. 1998	250 \$		975 \$

Point 4 :

Écrivez «Néant» : a) si vous ne demandez pas d'intérêts sur les paiements périodiques impayés;

b) si votre ordonnance, votre contrat familial ou votre accord de paternité vous interdit de demander des intérêts. (Si l'ordonnance, le contrat familial ou l'accord de paternité ne dit rien au sujet des intérêts, vous pouvez alors en demander si vous le désirez.)

Même si le payeur ou la payeuse est à jour dans ses paiements périodiques et que vous avez inscrit «Néant» au point 3, il se peut qu'il ou elle vous doive des intérêts pour cause de retard dans ses paiements. Donc, vous voudrez peut-être demander ces intérêts ici. S'il ne vous est pas interdit de demander des intérêts et que vous désirez le faire, vous **DEVEZ** joindre une ou plusieurs feuilles de travail en annexe au présent état. Sur ces feuilles :

c) vous devez expliquer la façon dont vous calculez les intérêts. À moins que l'ordonnance du tribunal, le contrat familial ou l'accord de paternité ne vous autorise expressément à composer les intérêts, vous devez utiliser des intérêts simples;

d) vous devez indiquer le taux d'intérêt approprié. Il se peut qu'il figure dans votre ordonnance, votre contrat familial ou votre accord de paternité. S'il n'y figure pas, vous devez vous servir du taux autorisé par l'article 127 de la *Loi sur les tribunaux judiciaires*. Vous pouvez aussi obtenir ce renseignement auprès du greffe;

e) pour chaque paiement entièrement ou partiellement en souffrance, vous devez calculer le montant des intérêts autorisé par le paragraphe 129 (2) de la *Loi sur les tribunaux judiciaires*, à compter de la date d'échéance jusqu'à aujourd'hui ou jusqu'à ce que la somme en souffrance soit acquittée en entier, selon la première de ces éventualités.

Point 5 :

Écrivez «Néant» : a) si la somme forfaitaire (qu'elle résulte d'une ordonnance, d'une confiscation, d'une amende ou des dispositions relatives aux aliments d'un contrat familial ou d'un accord de paternité) est acquittée en entier;

b) si le payeur ou la payeuse n'a pas à payer une somme forfaitaire.

Si la somme forfaitaire a été payée en partie, vous **DEVEZ** joindre une ou plusieurs feuilles distinctes en annexe au présent état et y consigner l'historique ou le journal des paiements partiels du payeur ou de la payeuse comme sur le tableau ci-contre. Le total général des paiements et des manquements doit correspondre à la somme que vous demandez au point 5.

Date	Somme due (Ajoutez au TOTAL)	Somme payée (Soustrayez du TOTAL)	TOTAL des sommes dues
1 ^{er} déc. 1998	24 000 \$		24 000 \$
29 déc. 1998		4 700 \$	19 300 \$
12 fév. 1999		1 800 \$	17 500 \$
6 mai 1999		1 226,40 \$	16 273,60 \$

Point 6 :

Écrivez «Néant» : a) si vous ne demandez pas d'intérêts sur la somme forfaitaire;

b) si votre ordonnance, votre contrat familial ou votre accord de paternité vous interdit de demander des intérêts.

Même si la somme forfaitaire a été acquittée en entier et que vous avez inscrit «Néant» au point 5, il se peut que vous ayez droit à des intérêts sur cette somme pour les fois où des paiements étaient en souffrance et vous voudrez peut-être demander ces intérêts ici. S'il ne vous est pas interdit de demander des intérêts et que vous désirez le faire, vous **DEVEZ** joindre une ou plusieurs feuilles de travail en annexe au présent état. Sur ces feuilles :

c) vous devez expliquer la façon dont vous calculez les intérêts. À moins que l'ordonnance du tribunal, le contrat familial ou l'accord de paternité ne vous autorise spécifiquement à composer les intérêts, vous devez utiliser des intérêts simples;

d) vous devez indiquer le taux d'intérêt approprié. Il se peut qu'il figure dans votre ordonnance, votre contrat familial ou votre accord de paternité. S'il n'y figure pas, vous devez vous servir du taux autorisé par l'article 127 de la *Loi sur les tribunaux judiciaires*. Vous pouvez aussi obtenir ce renseignement auprès du greffe;

e) pour chaque paiement partiel, vous devez calculer le montant des intérêts à compter de la date de l'ordonnance, du contrat familial ou de l'accord de paternité jusqu'à la date du paiement. Les intérêts sur le solde toujours en souffrance seront calculés à compter de la date de l'ordonnance, du contrat familial ou de l'accord de paternité jusqu'à aujourd'hui.

Suite à la page suivante ➡

Formule 26 : État des sommes dues (page 3)

Numéro de dossier du greffe

5. La somme forfaitaire au titre ☐ des aliments ☐ des paiements d'égalisation
☐ des dépens ☐ de l'amende pour outrage au tribunal
☐ (Autre. Précisez.)

qui demeure impayée à ce jour s'élève à \$. Le calcul détaillé est joint au présent état. (Reportez-vous à la marche à suivre.)

6. Les intérêts impayés sur la somme forfaitaire à ce jour s'élèvent à \$. Le calcul détaillé est joint au présent état. (Reportez-vous à la marche à suivre.)
7. Les dépens qui demeurent impayés à ce jour s'élèvent à \$. Le calcul détaillé est joint au présent état. (Reportez-vous à la marche à suivre.)
8. Les intérêts impayés sur les dépens à ce jour s'élèvent à \$. Le calcul détaillé est joint au présent état. (Reportez-vous à la marche à suivre.)

DISPOSITIONS SUR LE DÉSINTÉRESSEMENT DES CRÉANCIERS

9. Des sommes indiquées aux points 5 et 6, j'attribue \$ du total aux aliments versés sous forme de somme forfaitaire. (Reportez-vous à la marche à suivre.)
10. Des sommes indiquées aux points 3 et 4, j'attribue \$ du total aux aliments versés sous forme de paiements périodiques. (Reportez-vous à la marche à suivre.)
11. Les sommes indiquées aux points 9 et 10 s'élèvent au total à \$.
12. J'ai effectué les calculs qui figurent dans le présent état et les feuilles jointes correctement et au mieux de ma compétence.

TOTAL GÉNÉRAL

13. La somme totale exécutoire devant ce tribunal que je demande au payeur ou à la payeuse est la suivante :
- | | |
|---|----|
| a) paiements périodiques impayés (point 3) | \$ |
| b) intérêts sur les paiements périodiques impayés (point 4) | \$ |
| c) dette forfaitaire impayée (point 5) | \$ |
| d) intérêts sur la dette forfaitaire impayée (point 6) | \$ |
| e) dépens impayés (point 7) | \$ |
| f) intérêts sur les dépens impayés (point 8) | \$ |
| TOTAL | \$ |

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page.

Déclaré sous serment/Affirmé solennellement devant moi à
 municipalité

à/en/au
 province, État ou pays

le
 date
 Commissaire aux affidavits
 (Dactylographiez le nom ou écrivez-le en caractères d'imprimerie ci-dessous si la signature est illisible.)

Signature
 (La présente formule doit être signée en présence d'un avocat, d'un juge de paix, d'un notaire ou d'un commissaire aux affidavits.)

REMARQUE : Vous devez joindre au présent état une photocopie de l'ordonnance, du contrat familial, de l'accord de paternité, du cautionnement ou de l'engagement que vous exécuterez par l'intermédiaire du tribunal. Dans le cas d'un cautionnement ou d'un engagement, vous devez également joindre une photocopie de l'ordonnance de confiscation. Si les dépens ont été fixés séparément, vous devriez joindre une photocopie de l'ordonnance ou du certificat de dépens.

Les imprimés d'ordinateur sont acceptables à condition qu'ils soient conformes dans l'ensemble aux exemples ou tableaux qui figurent dans la marche à suivre ci-dessus.

Suite à la page suivante ➔

Formule 26 : État des sommes dues (page 4)

Numéro de dossier du greffe

MARCHE À SUIVRE POUR REMPLIR LA FORMULE 26 (État des sommes dues) (suite)

Point 7 :

- Écrivez «Néant» :
- a) si les dépens sont acquittés en entier;
 - b) si le tribunal ne vous a pas condamné(e) aux dépens.

Si les dépens ont été payés en partie, vous **DEVEZ** joindre une ou plusieurs feuilles distinctes en annexe au présent état et y consigner l'historique ou le journal des paiements partiels du payeur ou de la payeuse comme l'illustre le tableau qui figure à côté de la remarque au point 5. Le total final doit correspondre à la somme que vous demandez au point 7.

Point 8 :

- Écrivez «Néant» :
- a) si vous ne demandez pas d'intérêts sur les dépens;
 - b) si votre ordonnance vous interdit de demander des intérêts sur les dépens.

Même si les dépens ont été acquittés en entier et que vous avez inscrit «Néant» au point 8, il se peut que vous ayez droit à des intérêts sur ces dépens pour les fois où des paiements à leur égard étaient en souffrance et vous voudrez peut-être demander ces intérêts ici. Si vous demandez des intérêts sur les dépens, vous **DEVEZ** joindre une ou plusieurs feuilles de travail en annexe au présent état. Sur ces feuilles :

- c) vous devez expliquer la façon dont vous calculez les intérêts. À moins que le tribunal ne vous autorise spécifiquement à composer les intérêts, vous devez utiliser des intérêts simples;
- d) vous devez indiquer le taux d'intérêt approprié en vigueur à la date où l'ordonnance a été rendue ou celui autorisé par le tribunal au moment où il a rendu l'ordonnance. Vous pouvez obtenir ce renseignement auprès du greffe;
- e) pour chaque paiement partiel, vous devez calculer le montant des intérêts à compter de la date de l'ordonnance jusqu'à la date du paiement. Les intérêts sur le solde toujours en souffrance seront calculés à compter de la date de l'ordonnance jusqu'à aujourd'hui.

Point 9 :

Écrivez «Néant» si votre demande de somme forfaitaire n'a rien à voir avec les aliments ou l'entretien. Sinon, calculez la fraction de cette somme qui se rapporte aux aliments ou à l'entretien. Vous avez le droit d'inclure les intérêts courus.

Ce chiffre sera nécessaire au greffier du tribunal et à d'autres, comme le shérif, parce que la *Loi sur le désintéressement des créanciers* les oblige à donner la priorité à votre demande de somme forfaitaire au titre des aliments sur les demandes d'autres gens munis d'ordonnances contre le payeur ou la payeuse. Voici ce que dit l'article 4 de cette loi :

4. Priorité des ordonnances alimentaires — (1) Une ordonnance alimentaire a priorité sur d'autres créances constatées par jugement, quel que soit le moment où le bref d'exécution a été délivré ou signifié :

- a) pour la totalité du montant de l'arriéré exigible aux termes de l'ordonnance au moment de la saisie ou de la saisie-arrest, si l'ordonnance prévoit des paiements périodiques;
- b) pour la totalité du montant global, si l'ordonnance prévoit le paiement d'un montant global.

(2) **Rang égal** — Les ordonnances alimentaires ont égalité de rang entre elles.

(3) **Mention sur l'acte** — Le bref relatif à l'exécution d'une ordonnance alimentaire porte au recto une mention indiquant que celui-ci a trait à une obligation alimentaire.

(4) **Couronne liée** — Le paragraphe (1) lie la Couronne du chef de l'Ontario.

Point 10 :

Écrivez «Néant» si votre demande n'a rien à voir avec des paiements périodiques au titre des aliments ou de l'entretien. Sinon, calculez la fraction de votre demande qui se rapporte à de tels paiements. Vous avez le droit d'inclure les intérêts courus.

Ce chiffre et celui qui figure au point 9 seront nécessaires au greffier du tribunal et à d'autres, comme le shérif, pour déterminer la priorité que vos arriérés d'aliments devraient avoir sur les demandes d'autres gens munis d'ordonnances contre le payeur ou la payeuse. Reportez-vous au paragraphe 4 (1) de la *Loi sur le désintéressement des créanciers*.

Suite à la page suivante ➡

(page) Numéro de dossier du greffe
(numéro de page)

[illegible]

Formule 26 : État des sommes dues : ANNEXE (page) Numéro de dossier du greffe
(A, B, C, etc.) (numéro de page)

[illegible]

Formule 26 : État des sommes dues : ANNEXE (page)
(A, B, C, etc.) (numéro de page) Numéro de dossier du greffe

CALCUL DES INTÉRÊTS

1. Les calculs ci-dessous se rapportent aux intérêts courus sur *(indiquez la nature de l'ordonnance, du jugement ou du contrat.)*
2. LES CALCULS CI-DESSOUS SONT FONDÉS SUR
 - ☐ DES INTÉRÊTS SIMPLES
 - ☐ DES INTÉRÊTS COMPOSÉS, CALCULÉS *(indiquez la fréquence du calcul)*
 - ☐ *(Autre. Précisez.)*
3. Le taux d'intérêt permis par la loi est de% par (fréquence)
4. Les intérêts sont calculés comme suit :

Numéro de dossier du greffe

(Nom du tribunal)

**Formule 26A : Affidavit
des frais d'exécution**

situé(e) au

Adresse du greffe

daté du

Bénéficiaire(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Payeur ou payeuse

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Je m'appelle (nom et prénom officiels)

J'habite à (municipalité et province)

et je déclare sous serment/j'affirme solennellement que les renseignements suivants sont véridiques :

1. Je suis ☐ une personne qui a droit à des sommes aux termes d'une ordonnance, d'un contrat familial ou d'un accord de paternité qui est exécutoire devant ce tribunal.
- Joignez une copie de l'ordonnance, du contrat ou de l'accord. ☐ le gardien, la gardienne, le tuteur ou la tutrice d'un enfant qui a droit à des sommes au profit de l'enfant aux termes d'une ordonnance, d'un contrat familial ou d'un accord de paternité qui est exécutoire devant ce tribunal.
- ☐ le ou la cessionnaire d'une personne ou du gardien, de la gardienne, du tuteur ou de la tutrice d'un enfant qui a droit à des sommes aux termes d'une ordonnance, d'un contrat familial ou d'un accord de paternité qui est exécutoire devant ce tribunal.
- ☐ un ou une mandataire du directeur du Bureau des obligations alimentaires.

☐ (Autre. Précisez.)

2. Pour exécuter l'ordonnance, le contrat familial ou l'accord de paternité, j'ai pris les mesures suivantes pour lesquelles je demande mes dépens aux termes des règles de procédure :

- ☐ Un interrogatoire sur la situation financière du payeur ou de la payeuse a eu lieu.
- ☐ Un bref de saisie-exécution a été délivré, déposé et exécuté.
- ☐ Un avis de saisie-arrêt a été délivré, signifié, déposé et exécuté.
- ☐ Un bref de saisie-exécution a été modifié par voie de déclaration solennelle.
- ☐ Un avis de saisie-arrêt a été modifié par voie de déclaration solennelle.
- ☐ (Autre. Précisez.)

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page

Suite à la page suivante ➡

Formule 26A : Affidavit des frais d'exécution (page 2)

Numéro de dossier du greffe

3. Les détails de ma demande sont les suivants : (Pour chaque article de dépense, indiquez la date et le montant du paiement. Si les reçus sont disponibles, veuillez les joindre et les numéroter consécutivement.)

ARTICLE DE DÉPENSE	DATE	MONTANT	Reçu n°
			1
			2
			3
			4
			5
			6
			7
			8
			9
			10
			11
			12
			13
			14
			15
			16
			17
			18
			19
			20
			21
			22
			23

Au besoin, joignez des feuilles supplémentaires et numérotez-les.

Déclaré sous serment/Affirmé solennellement devant moi à
municipalité

à/en/au
province, État ou pays

le
date

Commissaire aux affidavits
(Dactylographiez le nom ou écrivez-le en caractères d'imprimerie ci-dessous si la signature est illisible.)

Signature
(La présente formule doit être signée en présence d'un avocat, d'un juge de paix, d'un notaire ou d'un commissaire aux affidavits.)

Numéro de dossier du greffe

(Nom du tribunal)

Formule 26B : Affidavit

situé(e) au

Adresse du greffe

daté du
pour le dépôt d'un contrat
familial ou d'un accord de
paternité au tribunal

Bénéficiaire(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Payeur ou payeuse

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Je m'appelle (nom et prénom officiels)

J'habite à (municipalité et province)

et je déclare sous serment/j'affirme solennellement que les renseignements suivants sont véridiques :

1. Je joins une copie

<input type="checkbox"/> d'un contrat de mariage	<input type="checkbox"/> d'un accord de cohabitation
<input type="checkbox"/> d'un accord de séparation	<input type="checkbox"/> d'un accord de paternité

 que je dépose auprès du tribunal pour que ses dispositions relatives aux aliments puissent être exécutées ou modifiées comme s'il s'agissait d'une ordonnance du tribunal.
2. Le contrat ou l'accord n'a pas été annulé ou écarté par le tribunal ni modifié par entente entre les parties.

Déclaré sous serment/Affirmé solennellement devant moi à

municipalité

à/en/au

province, État ou pays

le
date

Commissaire aux affidavits

(Dactylographiez le nom ou écrivez-le en caractères d'imprimerie ci-dessous si la signature est illisible.)

Signature

(La présente formule doit être signée en présence d'un avocat, d'un juge de paix, d'un notaire ou d'un commissaire aux affidavits.)

Numéro de dossier du greffe

(Nom du tribunal)

**Formule 26C : Avis de
transfert d'exécution**

situé(e) au

Adresse du greffe

Bénéficiaire(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Payeur ou payeuse

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

AUX PARTIES À CETTE PROCÉDURE D'EXÉCUTION,

AU GREFFIER DU TRIBUNAL au (énumérez les tribunaux à partir desquels la procédure d'exécution a été effectuée)

ET AU SHÉRIF DE (énumérez les régions où le shérif a participé à la procédure d'exécution)

- ☐ Je suis le ou la bénéficiaire mentionné(e) ci-dessus
☐ L'ordonnance ☐ Le contrat familial ☐ L'accord de paternité
 ci-joint a été retiré du programme d'exécution dont s'occupe le directeur du Bureau des obligations familiales. À ma demande, le directeur m'a cédé la ou les mesures d'exécution énumérées ci-dessous qu'il avait entreprises.
- ☐ Je m'appelle (nom et prénom officiels)
 Je suis un ou une mandataire autorisé(e) du directeur du Bureau des obligations familiales. Les bénéficiaires (nom)
 ont déposé ☐ l'ordonnance ☐ le contrat familial ☐ l'accord de paternité
 ci-joint au bureau du directeur aux fins d'exécution. À ma demande, les bénéficiaires ont cédé au directeur la ou les mesures d'exécution énumérées ci-dessous qu'ils ou elles avaient entreprises.

Signature

Date de la signature

Suite à la page suivante ➡

Formule 26C : Avis de transfert d'exécution (page 2)

Numéro de dossier du greffe

MESURES D'EXÉCUTION QUI SONT TRANSFÉRÉES		
NOM DE LA MESURE D'EXÉCUTION	LIEU OÙ ELLE A ÉTÉ ENTREPRISE	DATE OÙ ELLE A ÉTÉ ENTREPRISE

Au besoin, joignez des feuilles supplémentaires et numérotez-les.

Numéro de dossier du greffe

(Nom du tribunal)

**Formule 27 : Demande
d'état financier**

situé(e) au

Adresse du greffe

Bénéficiaire(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Payeur ou payeuse

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

À : (nom de la partie)

Je prétends que vous avez omis d'effectuer des paiements prévus par une ordonnance, un contrat familial ou un accord de paternité, dont une copie est jointe au présent avis.

VOUS DEVEZ PRÉPARER UN ÉTAT FINANCIER (formule 13) dans les 15 jours de la signification du présent avis. Un exemplaire de la formule d'état financier devrait accompagner celui-ci ou y être joint. S'il ne l'est pas, communiquez avec votre avocat ou le greffe immédiatement.

VOUS DEVEZ ENVOYER PAR LA POSTE votre état financier dûment rempli, d'ici 15 jours, à : (personne et adresse)

SI, CONTRAIREMENT AU PRÉSENT AVIS, VOUS N'ENVOYEZ PAS PAR LA POSTE L'ÉTAT FINANCIER DÛMENT REMPLI, LE TRIBUNAL PEUT VOUS ORDONNER DE LE FAIRE ET VOUS CONDAMNER AUX DÉPENS. SI VOUS N'OBSERVEZ PAS L'ORDONNANCE, LE TRIBUNAL PEUT RENDRE UNE ORDONNANCE D'EMPRISONNEMENT CONTRE VOUS.

Signature

Date de la signature

Numéro de dossier du greffe

(Nom du tribunal)

**Formule 27A : Demande
d'état des revenus**

situé(e) au

Adresse du greffe

Bénéficiaire(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Payeur ou payeuse

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

À : (nom et adresse de la source de revenu)

Je prétends que le payeur ou la payeuse a omis d'effectuer des paiements prévus par une ordonnance, un contrat familial ou un accord de paternité.

VOUS DEVEZ PRÉPARER UN ÉTAT DES REVENUS selon la formule 27B concernant le payeur ou la payeuse mentionné plus haut. Un exemplaire de l'état des revenus devrait accompagner le présent avis ou y être joint. S'il ne l'est pas, communiquez avec votre avocat ou le greffe immédiatement.

VOUS DEVEZ ENVOYER PAR LA POSTE l'état des revenus dûment rempli, dans les 10 jours de la signification du présent avis, à : (personne et adresse)

SI, CONTRAIREMENT AU PRÉSENT AVIS, VOUS N'ENVOYEZ PAS PAR LA POSTE L'ÉTAT DES REVENUS DÛMENT REMPLI, LE TRIBUNAL PEUT VOUS ORDONNER DE LE FAIRE ET VOUS CONDAMNER AUX DÉPENS.

Signature

Date de la signature

Numéro de dossier du greffe

(Nom du tribunal)

**Formule 27B : État des
revenus versés par
la source de revenu**situé(e) au _____
Adresse du greffe**Bénéficiaire(s)**

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Payeur ou payeuse

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

1. Je m'appelle (nom et prénom officiels)

- 2.** ☐ Je suis ☐ une source de revenu du payeur ou de la payeuse.
☐ un(e) employé(e) d'une source de revenu du payeur ou de la payeuse.
☐ (Autre. Précisez.)

OU

- ☐ Ni moi-même ni l'organisation pour laquelle je travaille ne constituons une source de revenu du payeur ou de la payeuse pour les raisons suivantes :
- ☐ aucune somme d'argent n'est due au payeur ou à la payeuse pour une raison mentionnée au point 3 ci-dessous.
 - ☐ le payeur ou la payeuse n'a jamais travaillé pour moi ou mon organisation.
 - ☐ le payeur ou la payeuse a travaillé pour moi ou mon organisation, mais a cessé de travailler le : (date)
 - ☐ (Autre. Précisez.)

(Biffer le point 3 si vous n'êtes pas une source de revenu.)

3. Je dois de l'argent au payeur ou à la payeuse à l'un ou l'autre des titres suivants : (cochez une ou plusieurs cases ci-dessous)

- ☐ rémunération ou salaire de. \$ par
- ☐ heures supplémentaires qui, au cours des 6 derniers mois, s'élevaient à \$.
- ☐ commission, prime, allocation à la pièce ou autre paiement lié au rendement qui, au cours des 6 derniers mois, s'élevait à \$.
- ☐ prestations versées aux termes d'un régime d'assurance accidents, invalidité ou maladie qui, au cours des 6 derniers mois, s'élevaient à \$.
- ☐ pension d'invalidité, de retraite ou autre de \$ par
- ☐ rente de. \$ par
- ☐ indemnité de vacances ou indemnité de cessation d'emploi de. \$.
- ☐ (Autre. Précisez.)

Signature

Date de la signature

Numéro de dossier du greffe

(Nom du tribunal)

situé(e) au

Adresse du greffe

Formule 27C :
Convocation à un
interrogatoire sur la
situation financière

Bénéficiaire(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Payeur ou payeuse

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

À : (nom et prénom officiels de la personne devant être interrogée)

Je prétends que vous avez omis d'effectuer des paiements prévus par l'ordonnance, le contrat familial ou l'accord de paternité ci-joint. Le but de cet interrogatoire consiste à déterminer :

- a) votre capacité de payer la somme due;
- b) votre capacité de continuer à observer l'ordonnance, le contrat familial ou l'accord de paternité.

VOUS DEVEZ PRÉPARER UN ÉTAT FINANCIER selon la formule 13 et le signifier au/à la bénéficiaire ou à son avocat(e) au moins 7 jours avant la date de l'interrogatoire. Un exemplaire de la formule d'état financier devrait accompagner le présent avis ou y être joint. S'il ne l'est pas, communiquez avec votre avocat ou le greffe immédiatement.

VOUS DEVEZ ENSUITE VOUS PRÉSENTER À UN INTERROGATOIRE SUR VOTRE SITUATION FINANCIÈRE le (date) à (heure) au (lieu de l'interrogatoire) :

Vous pouvez vous faire accompagner par votre avocat.

VOUS DEVEZ APPORTER À L'INTERROGATOIRE les documents ou choses en votre possession ou sous votre contrôle qui sont énumérés ci-dessous.

SI VOUS NE VOUS PRÉSENTEZ PAS À L'INTERROGATOIRE, LE TRIBUNAL PEUT RENDRE UNE ORDONNANCE SANS VOUS ET L'EXÉCUTER CONTRE VOUS.

Signature

Date de la signature

Suite à la page suivante ➡

**Formule 27C : Convocation à un interrogatoire
sur la situation financière (page 2)**

Numéro de dossier du greffe.

(Indiquez la nature et la date de chaque document et donnez suffisamment de détails pour pouvoir identifier chaque document et chose que le payeur ou la payeuse doit apporter à l'interrogatoire. Écrivez «Néant» si lui ou elle ne doit rien apporter.)

- ☐ Une copie de la déclaration de revenus que vous avez remise au ministère du Revenu national (ainsi que de tout document à l'appui) pour les années ainsi qu'une copie de tout avis de cotisation ou de nouvelle cotisation que vous avez reçu du ministère pour ces années.
- ☐ Une preuve de votre revenu (y compris les talons de chèques de paye) pour le ou les. derniers mois.
- ☐ Un imprimé d'ordinateur de chaque banque, société de fiducie, société de prêt, crédit union, caisse populaire ou caisse d'épargne de la province de l'Ontario à laquelle vous avez eu un compte pendant le ou les derniers mois, indiquant toutes les opérations faites dans le compte au cours de cette période.

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page.



(Nom du tribunal)

Numéro de dossier du greffe

situé(e) au

Adresse du greffe

**Formule 28 : Bref de
saisie-exécution**
Bénéficiaire(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Payeur ou payeuse

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

AU SHÉRIF DE (nom de la localité)

Une ordonnance, un contrat familial ou un accord de paternité qui est exécutoire devant ce tribunal et qui exige que le payeur ou la payeuse effectue des paiements au/à la bénéficiaire est en défaut.

IL VOUS EST PAR CONSÉQUENT ORDONNÉ DE SAISIR-EXÉCUTER les biens meubles et immeubles situés dans votre localité qui appartiennent à (nom et prénom officiels du payeur ou de la payeuse) et d'obtenir les sommes suivantes:

Indiquez le montant à obtenir qui figure au point 4 b) de la demande de bref de saisie-exécution. Indiquez la date à laquelle l'état des sommes dues a fait l'objet d'une prestation de serment ou d'une affirmation solennelle.

Cochez la case appropriée

Priorité des versements

d'aliments: Indiquez la somme figurant au point 3 de la demande de bref de saisie-exécution.

Cession de dépens en faveur du

Barreau du Haut-Canada : Indiquez la somme figurant au point 4 c) de la demande de bref de saisie-exécution.

Amende, cautionnement ou engagement.

a) la somme de \$, majorée des intérêts au taux annuel de % courus, à compter du (date)

b) vos honoraires et les frais que vous avez engagés pour exécuter le présent bref.

☐ La somme à obtenir comprend des aliments impayés de \$.

VOUS DEVEZ PAR CONSÉQUENT, aux termes du paragraphe 4 (1) de la *Loi sur le désintéressement des créanciers*, accorder la priorité à cette somme sur tous autres jugements et ordonnances.

☐ Une *Cession de jugement des dépens (Assignment of Judgment of Costs)* de \$ a été effectuée en faveur du Barreau du Haut-Canada.

VOUS DEVEZ PAR CONSÉQUENT, aux termes du paragraphe 17 (2) de la *Loi sur l'aide juridique*, déduire cette somme du produit de la vente et la verser au Barreau du Haut-Canada.

☐ Le présent bref exécute la somme de \$ à titre :

☐ d'amende pour outrage à ce tribunal,

☐ de cautionnement ou d'engagement perdu

payable à l'ordre de ☐ Sa Majesté la Reine

☐ (Autre. Précisez.)

VOUS DEVEZ PAR CONSÉQUENT, aux termes du paragraphe 143 (3) de la *Loi sur les tribunaux judiciaires*, procéder immédiatement à l'exécution du bref, sans ordre d'exécution.

IL VOUS EST DE PLUS ORDONNÉ DE PAYER CES SOMMES CONFORMÉMENT À LA LOI ET DE FAIRE UN RAPPORT SUR L'EXÉCUTION DU PRÉSENT BREF SI LA PARTIE OU SON AVOCAT QUI L'A DÉPOSÉ L'EXIGE

Signature du greffier du tribunal

Date de la signature

Nom du payeur ou de la payeuse :

Nom du/de la ou des bénéficiaires :

[illegible]

Nom et prénom officiels de la partie qui a déposé le présent bref :

Adresse aux fins de signification de la
partie qui a déposé le présent bref :

Nom, adresse, numéros de téléphone et de télécopieur et adresse électronique de l'avocat(e) de la personne qui a déposé le présent bref :

(Nom du tribunal)

situé(e) au _____ Adresse du greffe

Bref de saisie-exécution

REMARQUE : Le présent bref n'a pas de date d'expiration automatique. Il demeure en vigueur, selon le cas :

- jusqu'à ce qu'il soit retiré par la partie qui l'a déposé ou en son nom;
- jusqu'à ce qu'il soit annulé ou suspendu par ordonnance d'un tribunal de l'Ontario

Numéro de dossier du greffe

(Nom du tribunal)

**Formule 28A : Demande de
bref de saisie-exécution**

situé(e) au

Adresse du greffe

Bénéficiaire(s)

<i>Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i>	<i>Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i>
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Payeur ou payeuse

<i>Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i>	<i>Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i>
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AU GREFFIER DU TRIBUNAL :

1. Je suis ☐ la personne qui a signé l'état des sommes dues ci-joint.
☐ l'avocat(e) de la personne qui a signé l'état des sommes dues ci-joint.
☐ (Autre. Précisez.)
2. L'état des sommes dues ci-joint contient une demande de \$ (Indiquez la somme figurant au point 13 de l'état des sommes dues.)
3. Cette demande comprend des **aliments impayés** de \$, somme qui a priorité sur toutes les autres créances judiciaires des créanciers du payeur ou de la payeuse.
4. Je demande la délivrance d'un bref de saisie-exécution à l'adresse du shérif de chacune des localités suivantes aux fins indiquées : (Indiquez les localités)
 - a) saisir-exécuter les biens meubles et immeubles du payeur ou de la payeuse dans cette localité;
 - b) obtenir de cette saisie-exécution : ☐ la somme indiquée au point 2;
☐ la somme de \$ (Indiquez ici une somme inférieure à celle figurant au point 2 si vous ne désirez pas en faire exécuter la totalité par voie de saisie-exécution.);
 - c) payer le produit conformément à la loi, y compris un versement de \$ (Écrivez «**NEANT**» si aucune cession n'a été faite) au Barreau du Haut-Canada conformément à la formule ci-jointe intitulée *Assignment of Judgment of Costs (Cession de jugement des dépens)* en faveur du Barreau.

Signature

Date de la signature

REMARQUE : Vous devez déposer la présente demande ainsi qu'un nouvel état des sommes dues, selon la formule 26, auprès du greffier du tribunal. Si vous avez indiqué une somme au point 4 c), une copie de la cession des dépens doit être jointe à votre demande et à chaque bref de saisie-exécution que vous déposez auprès d'un shérif et d'un registraire des biens-fonds.

Numéro de dossier du greffe

(Nom du tribunal)

**Formule 28B : Déclaration
solennelle au shérif**

situé(e) au

Adresse du greffe

Bénéficiaire(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Payeur ou payeuse

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Je m'appelle (nom et prénom officiels)**J'habite à** (municipalité et province)**et je déclare que les renseignements suivants sont véridiques :**

- Je suis ☐ un(e) bénéficiaire en vertu d'une ordonnance de paiement.
☐ un(e) mandataire du directeur du Bureau des obligations familiales.
☐ un(e) cessionnaire d'un(e) bénéficiaire en vertu d'une ordonnance de paiement.
☐ (Autre. Précisez.)
- Le (date)., un bref de saisie-exécution a été délivré dans cette cause, dont une copie est ci-jointe.
- La somme due aujourd'hui aux termes de l'ordonnance de paiement s'élève à \$, y compris des intérêts annuels au taux de % à compter du (date à laquelle les intérêts commencent à courir)
- La somme figurant au point 3 comprend des aliments impayés de \$ qui, aux termes du paragraphe 4 (1) de la Loi sur le désintéressement des créanciers, ont priorité sur tous autres jugements et ordonnances.
- Une Cession de jugement de dépens (Assignment of Judgment of Costs) supplémentaire de \$ (écrivez «NÉANT» s'il n'y en a pas) a été effectuée en faveur du Barreau du Haut-Canada. Aux termes du paragraphe 17 (2) de la Loi sur l'aide juridique, cette somme doit être déduite du produit de la vente et versée au Barreau du Haut-Canada.
- La somme figurant au point 3 comprend la somme de \$ à titre d'amende pour outrage à ce tribunal ou de cautionnement ou d'engagement perdu par suite d'une instance civile et payable à l'ordre de :
☐ Sa Majesté la Reine ☐ (Autre. Précisez.)

De plus, aux termes du paragraphe 143 (3) de la Loi sur les tribunaux judiciaires, le bref de saisie-exécution peut être exécuté immédiatement pour recouvrer cette somme, sans ordre d'exécution.

Déclaré devant moi à
municipalitéà/en/au
province, État ou paysle
date
(Dactylographiez le nom ou écrivez-le en caractères d'imprimerie si la signature est illisible)

Commissaire aux affidavits

Signature

(La présente formule doit être signée en présence d'un avocat, d'un juge de paix, d'un notaire ou d'un commissaire aux affidavits)



(Nom du tribunal) Numéro de dossier du greffe

situé(e) au _____
Adresse du greffe

Formule 28C : Bref de saisie temporaire

Requérant(e)(s)/Bénéficiaire(s) (Biffez le terme qui ne s'applique pas)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Intimé(e)(s)/Payeur ou payeuse (Biffez le terme qui ne s'applique pas)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

AU SHÉRIF DE (nom de la localité)

Sur motion présentée par (nom de la partie)

le tribunal a donné la permission le (date) de délivrer le présent bref.

IL VOUS EST PAR CONSÉQUENT ORDONNÉ DE SAISIR ET DE DÉTENIR les biens suivants situés dans votre localité qui appartiennent à (nom et prénom officiels de l'intimé(e) ou du payeur ou de la payeuse)

Décrivez les biens qui doivent être saisis et détenus.

IL VOUS EST ÉGALEMENT ORDONNÉ DE PERCEVOIR ET DE CONSERVER tout revenu de ces biens.

Signature du greffier du tribunal

Date de la signature

Numéro de dossier du greffe

(Nom du tribunal)

**Formule 29 : Demande
de saisie-arrêt**

situé(e) au

Adresse du greffe

Bénéficiaire(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Payeur ou payeuse

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

AU GREFFIER DU TRIBUNAL :

1. Je suis ☐ la personne qui a signé l'état des sommes dues ci-joint.
☐ l'avocat(e) de la personne qui a signé l'état des sommes dues ci-joint.
☐ un(e) mandataire du directeur du Bureau des obligations familiales.
☐ (Autre. Précisez.)
2. Je désire exécuter par saisie-arrêt la somme de \$, soit la somme demandée dans l'état des sommes dues ci-joint. (Si vous désirez recouvrer des paiements périodiques futurs ainsi que les arriérés, cochez la case ci-dessous.)
☐ Je désire également que la saisie-arrêt vise des paiements futurs. \$ par (période).
3. Je demande qu'un avis de saisie-arrêt distinct soit délivré et envoyé à chaque personne dont le nom figure à l'annexe de la présente formule et dont j'ai des raisons de croire qu'elle doit ou devra de l'argent au payeur ou à la payeuse selon les montants indiqués à cette annexe.

Signature de l'auteur(e) de la demande
ou de son avocat(e)

Date de la signature

REMARQUE : Vous devez joindre à titre d'annexe une ou plusieurs feuilles sur lesquelles vous énumérez la ou les personnes qui doivent ou devront de l'argent au payeur ou à la payeuse. Vous devez également préparer et joindre à la présente demande un nouvel état des sommes dues selon la formule 26 (préparé au cours des 30 derniers jours) et le déposer auprès du greffier du tribunal.

- Si a) d'une part, l'obligation qu'a le payeur ou la payeuse d'effectuer des paiements aux termes de l'ordonnance, du contrat familial ou de l'accord de paternité que vous exécutez au moyen de cette saisie-arrêt devait prendre fin ou être remplie;
- b) d'autre part, le payeur ou la payeuse ne doit plus rien aux termes de l'ordonnance, du contrat familial ou de l'accord de paternité,

ou si vous décidez simplement que vous ne désirez plus exécuter l'ordonnance, le contrat familial ou l'accord de paternité au moyen de cette saisie-arrêt, vous devez immédiatement remplir un avis de suspension de la saisie-arrêt selon la formule 29H, le signifier au payeur ou à la payeuse et à chaque tiers saisi et le déposer, avec une preuve de sa signification, auprès du greffier du tribunal à l'adresse du greffe ci-dessus.

Suite à la page suivante ➔

Formule 29 : Demande de saisie-arrêt — ANNEXE (page) Numéro de dossier du greffe.

Nom du tiers saisi :

Adresse du tiers saisi :

Somme que le tiers saisi doit ou devra au payeur ou à la payeuse :

☐ sommes périodiques ☐ de.....\$
☐ dont je ne connais pas le montant

et qui sont ou seront payées le (Indiquez la fréquence des paiements. Inscrivez «Je ne sais pas» si vous ne connaissez pas la fréquence.)

☐ somme forfaitaire ☐ de.....\$
☐ dont je ne connais pas le montant

Description de la dette dont le tiers saisi est redevable au payeur ou à la payeuse :

☐ salaire, commissions et autre revenu d'emploi ☐ loyer
☐ sommes détenues dans une banque, une caisse populaire ou un autre établissement
☐ pension de retraite ☐ (Autre. Précisez.)

Nom du tiers saisi :

Adresse du tiers saisi :

Somme que le tiers saisi doit ou devra au payeur ou à la payeuse :

☐ sommes périodiques ☐ de \$
☐ dont je ne connais pas le montant

et qui sont ou seront payées le (Indiquez la fréquence des paiements. Inscrivez «Je ne sais pas» si vous ne connaissez pas la fréquence.)

☐ somme forfaitaire ☐ de \$
☐ dont je ne connais pas le montant

Description de la dette dont le tiers saisi est redevable au payeur ou à la payeuse :

☐ salaire, commissions et autre revenu d'emploi ☐ loyer
☐ sommes détenues dans une banque, une caisse populaire ou un autre établissement
☐ pension de retraite ☐ (Autre. Précisez.)

Nom du tiers saisi :

Adresse du tiers saisi :

Somme que le tiers saisi doit ou devra au payeur ou à la payeuse :

☐ sommes périodiques ☐ de \$
☐ dont je ne connais pas le montant

et qui sont ou seront payées le (Indiquez la fréquence des paiements. Inscrivez «Je ne sais pas» si vous ne connaissez pas la fréquence.)

☐ somme forfaitaire ☐ de \$
☐ dont je ne connais pas le montant

Description de la dette dont le tiers saisi est redevable au payeur ou à la payeuse :

☐ salaire, commissions et autre revenu d'emploi ☐ loyer
☐ sommes détenues dans une banque, une caisse populaire ou un autre établissement
☐ pension de retraite ☐ (Autre. Précisez.)



Numéro de dossier du greffe

(Nom du tribunal)

situé(e) au _____
Court office address

**Formule 29A : Avis
de saisie-arrêt
(somme forfaitaire)**

Bénéficiaire	Payeur ou payeuse
Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).
Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

À : (nom et prénom officiels et adresse du tiers saisi)

TOUTES LES RETENUES EFFECTUÉES AUX TERMES DU PRÉSENT AVIS DOIVENT ÊTRE PAYÉES

☐ au greffier du tribunal ☐ au directeur du Bureau des obligations familiales
au (adresse)

Le payeur ou la payeuse (nom) a ômis d'effectuer des paiements prévus par une ordonnance du tribunal, un contrat familial ou un accord de paternité qui est exécutoire devant ce tribunal ou au moyen d'un bref de saisie-arrêt délivré à l'extérieur de l'Ontario et que reconnaît ce tribunal.

Le ou la bénéficiaire prétend que vous êtes ou serez redevable au payeur ou à la payeuse d'une dette sous forme d'une ou de plusieurs sommes forfaitaires. (Une dette envers le payeur ou la payeuse comprend à la fois une dette qui n'est payable qu'à lui ou à elle ou qui l'est également à une ou plusieurs autres personnes.)

VOUS DEVEZ DONC PAYER au greffier ou au directeur du Bureau des obligations familiales (tel qu'indiqué ci-dessus) :

- a) au plus tard 10 jours après que le présent avis vous est signifié, **TOUTES LES SOMMES QUE VOUS DEVEZ ACTUELLEMENT AU PAYEUR OU À LA PAYEUSE;**
- b) au plus tard 10 jours après qu'une nouvelle somme devient payable, **TOUTES LES SOMMES QUE VOUS DEVEZ ALORS AU PAYEUR OU À LA PAYEUSE.**

Le montant total de vos paiements ne doit pas dépasser. \$ (Indiquez le montant en espèces en additionnant les sommes figurant aux points 5, 6, 7 et 8 de l'état des sommes dues ou le montant moindre que le ou la bénéficiaire choisit de faire exécuter au moyen d'une saisie-arrêt.)

Si vous êtes redevable de la dette au payeur ou à la payeuse et à une ou plusieurs autres personnes, vous devez payer la moitié de la somme exigible actuellement ou qui le deviendra, ou la fraction que fixe le tribunal.

Le présent avis vous lie légalement jusqu'à ce qu'il soit modifié ou résilié.

(Cochez la case ci-dessous, s'il y a lieu.)

- ☐ Le présent avis de saisie-arrêt exécute les dispositions relatives aux aliments d'une ordonnance du tribunal, d'un contrat familial ou d'un accord de paternité. Aux termes du paragraphe 4 (1) de la loi sur le désintéressement des créanciers, **VOUS DEVEZ DONNER AU PRÉSENT AVIS DE SAISIE-ARRÊT LA PRIORITÉ SUR TOUT AUTRE AVIS DE CE GENRE**, quel que soit le moment où ces autres avis vous ont été signifiés. Pour obtenir des précisions sur l'étendue de cette priorité, communiquez avec votre avocat.

Le paiement que vous effectuez conformément au présent avis constitue, jusqu'à concurrence de la somme que vous versez, une quittance valable de la dette dont vous êtes redevable au payeur ou à la payeuse et, dans le cas d'une dette envers le payeur ou la payeuse et une ou plusieurs autres personnes, une quittance valable de cette dette.

Suite à la page suivante ➡

Formule 29A : Avis de saisie-arrêt (somme forfaitaire) (page 2) Numéro de dossier du greffe.

Si vous êtes redevable de la dette au payeur ou à la payeuse et à une ou plusieurs autres personnes, **VOUS DEVEZ IMMÉDIATEMENT ENVOYER PAR LA POSTE un avis aux cotitulaires de créances (formule 29C) aux personnes suivantes :**

- a) chacun des autres créanciers, à l'adresse figurant dans vos dossiers;
- b) le ou la bénéficiaire ou le directeur du Bureau des obligations familiales, selon celui des deux qui est chargé d'exécuter l'ordonnance;
- c) le greffier du tribunal.

Un exemplaire de la formule 29C devrait être joint au présent avis. S'il ne l'est pas, communiquez avec votre avocat ou le greffe.

Si vous avez des raisons de croire que vous ne devriez pas effectuer les paiements qu'exige le présent avis, vous avez le droit de signifier une contestation selon la formule 29F aux parties et de la déposer au greffe au plus tard 10 jours après que le présent avis vous est signifié. Vous pouvez consulter votre avocat à ce sujet. Un exemplaire de la formule 29F (*Contestation du tiers saisi*) devrait être joint au présent avis. S'il ne l'est pas, communiquez avec votre avocat ou le greffe. Vous pouvez effectuer la signification par n'importe laquelle des méthodes énoncées à la règle 6 des *Règles en matière de droit de la famille*, y compris par la poste, par messagerie et par télécopie. Si vous signifiez la formule 29F et que vous la déposez au greffe, le tribunal peut tenir une audience sur la saisie-arrêt afin de déterminer les droits des parties. Entretemps, la signification et le dépôt d'une contestation n'ont pas pour effet de suspendre le présent avis de saisie-arrêt.

Si vous êtes l'employeur du payeur ou de la payeuse :

- a) l'article 56.1 de la *Loi sur les normes d'emploi* de l'Ontario rend illégal de congédier ou de suspendre un employé ou de menacer de le faire pour le motif qu'un bref de saisie-arrêt a été délivré à son égard;
- b) l'article 7 de la *Loi sur les salaires* de l'Ontario dit que vous ne pouvez pas déduire plus de :
 - (i) 50 % du salaire (après les retenues que prévoit la loi) payable à votre employé pour l'exécution d'une ordonnance alimentaire,
 - (ii) 20 % du salaire (après les retenues que prévoit la loi) payable à votre employé pour l'exécution d'une ordonnance autre qu'une ordonnance alimentaire.
 Ces pourcentages ne peuvent être augmentés ou réduits que par ordonnance du tribunal. Si une copie d'une telle ordonnance est jointe au présent avis ou vous est signifiée à un moment donné, vous devez utiliser le pourcentage indiqué dans cette ordonnance;
- c) les *Règles en matière de droit de la famille* énoncent que vous **DEVEZ** donner au greffier du tribunal et à la personne qui a demandé la saisie-arrêt, au plus tard 10 jours après que le payeur ou la payeuse a cessé de travailler pour vous, un avis écrit indiquant ce qui suit :
 - (i) le fait que le payeur ou la payeuse ne travaille plus pour vous,
 - (ii) la date à laquelle le payeur ou la payeuse a cessé de travailler pour vous et celle de la dernière rémunération qu'il ou elle a reçue de vous.

SI VOUS N'OBSERVEZ PAS LE PRÉSENT AVIS, LE TRIBUNAL PEUT VOUS ORDONNER DE PAYER LE PLEIN MONTANT DE LA CRÉANCE AINSI QUE LES FRAIS ENGAGÉS PAR LE OU LA BÉNÉFICIAIRE.

SI VOUS FAITES UN PAIEMENT À QUELQU'UN D'AUTRE QUE LA PERSONNE INDIQUÉE PLUS HAUT, LE TRIBUNAL PEUT VOUS ORDONNER D'EFFECTUER UN AUTRE PAIEMENT, MAIS CETTE FOIS-CI, À LA PERSONNE MENTIONNÉE DANS LE PRÉSENT AVIS.

Signature du greffier

Date de la signature

AVIS AU PAYEUR OU À LA PAYEUSE : Vous avez le droit de signifier et de déposer une contestation selon la formule 29E au greffe au plus tard 10 jours après que le présent avis vous est signifié. Vous voudrez peut-être consulter un avocat à ce sujet. Un exemplaire de la formule 29E (*Contestation du payeur ou de la payeuse*) devrait avoir été joint au présent avis lorsqu'il vous a été signifié. S'il ne l'était pas, communiquez avec votre avocat ou le greffe immédiatement. Vous pouvez effectuer la signification par n'importe laquelle des méthodes énoncées à la règle 6 des *Règles en matière de droit de la famille*, y compris par la poste, par messagerie et par télécopie. Si vous signifiez la formule 29E et que vous la déposez au greffe, le tribunal peut tenir une audience sur la saisie-arrêt afin de déterminer les droits des parties.

Si le tiers saisi est votre employeur, les *Règles en matière de droit de la famille* énoncent que vous **DEVEZ**, au plus tard 10 jours après que vous cessez de travailler pour lui, donner au greffier du tribunal ainsi qu'au ou à la bénéficiaire ou au directeur du Bureau des obligations familiales (*selon celui des deux qui est chargé d'exécuter l'ordonnance de saisie-arrêt*), un avis écrit indiquant ce qui suit :

- a) le fait que vous ne travaillez plus pour le tiers saisi,
- b) la date à laquelle vous avez cessé de travailler pour le tiers saisi et celle de la dernière paie que vous avez reçue de lui.

Au plus tard 10 jours après que vous commencez un nouvel emploi ou que vous retournez à votre ancien, vous **DEVEZ** remettre un autre avis écrit dans lequel vous donnez les nom et adresse de votre nouvel employeur ou indiquez que vous avez repris votre ancien emploi.



Numéro de dossier du greffe

(Nom du tribunal)

**Formule 29B : Avis
de saisie-arrêt
(somme périodique)**

situé(e) au _____
Adresse du greffe

Bénéficiaire	Payeur ou payeuse
Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).
Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

À : (nom et prénom officiels et adresse du tiers saisi)

TOUTES LES RETENUES EFFECTUÉES AUX TERMES DU PRÉSENT AVIS DOIVENT ÊTRE PAYÉES

☐ au greffier du tribunal ☐ au directeur du Bureau des obligations familiales
au (adresse)

Le payeur ou la payeuse (nom) a omis d'effectuer des paiements prévus par une ordonnance du tribunal, un contrat familial ou un accord de paternité qui est exécutoire devant ce tribunal ou au moyen d'un bref de saisie-arrêt délivré à l'extérieur de l'Ontario et que reconnaît ce tribunal. Le ou la bénéficiaire prétend que vous êtes ou serez redevable au payeur ou à la payeuse d'une dette sous forme de salaire, de prestations de retraite, de loyer, de rente ou autre que vous payez périodiquement ou par versements échelonnés. (Une dette envers le payeur ou la payeuse comprend à la fois une dette qui n'est payable qu'à lui ou à elle ou qui l'est également à une ou plusieurs autres personnes.)

Cochez le premier cercle si vous désirez que la saisie-arrêt porte sur une somme fixe. Si vous désirez qu'elle porte sur un pourcentage, cochez le deuxième cercle ci-dessous.

Insérez la somme et la fréquence qui figurent dans la partie de l'ordonnance, du contrat familial ou de l'accord de paternité réservée aux paiements périodiques.

Les «dettes cumulées» comprennent les ordonnances de paiement de sommes forfaitaires, les amendes, les sommes perdues, les arriérés de paiements périodiques, les frais de justice et les intérêts.

Cochez le deuxième cercle seulement si vous désirez que la saisie-arrêt porte sur un pourcentage.

À moins qu'une ordonnance du tribunal n'indique le contraire, vous ne pouvez retenir plus de 50 % du salaire du payeur ou de la payeuse pour percevoir des aliments ou plus de 20 % pour percevoir des sommes autres que des aliments. Le pourcentage n'est pas plafonné pour les retenues non salariales.

☐ **PAR CONSÉQUENT, VOUS DEVEZ IMMÉDIATEMENT RETENIR DE TOUS LES PAIEMENTS DE CE GENRE QUE VOUS EFFECTUEZ :**

☐ pour vous acquitter de l'obligation du payeur ou de la payeuse d'effectuer des paiements périodiques aux termes de l'ordonnance, du contrat familial ou de l'accord de paternité, LA SOMME DE \$ tous les (indiquez la fréquence) ou la somme équivalente selon le calendrier normal ou fixé des paiements que vous faites au payeur ou à la payeuse;

☐ pour réduire les dettes cumulées de \$ du payeur ou de la payeuse envers le ou la bénéficiaire aux termes de l'ordonnance, du contrat familial ou de l'accord de paternité, LA SOMME DE \$ tous les (indiquez la fréquence de paiement) ou la somme équivalente selon le calendrier normal ou fixé des paiements que vous faites au payeur ou à la payeuse.

☐ **PAR CONSÉQUENT, VOUS DEVEZ IMMÉDIATEMENT RETENIR DE TOUS LES PAIEMENTS DE CE GENRE QUE VOUS EFFECTUEZ :**

☐ % de tout salaire dont vous êtes actuellement redevable au payeur ou à la payeuse;

☐ % de toute dette (à l'exception du salaire) dont vous êtes actuellement redevable au débiteur ou à la débitrice par paiements périodiques ou par versements échelonnés.

Suite à la page suivante ➡

Formule 29B : Avis de saisie-arrêt (somme périodique) (page 2) Numéro de dossier du greffe.

ET VOUS DEVEZ VERSER CETTE RETENUE au greffier ou au directeur (tel qu'indiqué ci-dessus) au plus tard 10 jours après que le présent avis vous est signifié. Vous êtes redevable de la dette au payeur ou à la payeuse et à une ou plusieurs autres personnes, vous devez payer la moitié de la somme exigible actuellement ou qui le deviendra ou la fraction que fixe le tribunal.

LE PRÉSENT AVIS VOUS OBLIGE LÉGALEMENT À CONTINUER DE VERSER CES RETENUES AU PLUS TARD 10 jours après que vous devez effectuer chaque paiement au payeur ou à la payeuse, et ce jusqu'à ce qu'il soit modifié ou résilié.

(Cochez la case ci-dessous, s'il y a lieu.)

- ☐ Le présent avis de saisie-arrêt a pour but d'exécuter les dispositions relatives aux aliments d'une ordonnance du tribunal, d'un contrat familial ou d'un accord de paternité. Aux termes du paragraphe 4 (1) de la *Loi sur le désintéressement des créanciers*, **VOUS DEVEZ DONNER AU PRÉSENT AVIS DE SAISIE-ARRÊT LA PRIORITÉ SUR TOUT AUTRE AVIS DE CE GENRE**, quel que soit le moment où ces autres avis vous ont été signifiés. Pour obtenir des précisions sur l'étendue de cette priorité, communiquez avec votre avocat.

Le paiement que vous effectuez conformément au présent *AVIS* constitue, jusqu'à concurrence de la somme que vous versez, une quittance valable de la dette dont vous êtes redevable au payeur ou à la payeuse et, dans le cas d'une dette envers le payeur ou la payeuse et une ou plusieurs autres personnes, une quittance valable de cette dette.

Si vous êtes redevable de la dette au payeur ou à la payeuse et à une ou plusieurs autres personnes, **VOUS DEVEZ IMMÉDIATEMENT ENVOYER PAR LA POSTE un avis aux cotitulaires de créances (formule 29C) aux personnes suivantes :**

- a) chacun des autres créanciers, à l'adresse figurant dans vos dossiers;
- b) le ou la bénéficiaire ou le directeur du Bureau des obligations familiales, selon celui des deux qui est chargé d'exécuter l'ordonnance;
- c) le greffier du tribunal.

Un exemplaire de la formule 29C devrait être joint au présent avis. S'il ne l'est pas, communiquez avec votre avocat ou le greffe.

Si vous avez des raisons de croire que vous ne devriez pas effectuer les paiements qu'exige le présent avis, vous avez le droit de signifier une contestation selon la formule 29F et de la déposer au greffe au plus tard 10 jours après que le présent avis vous est signifié. Vous pouvez consulter votre avocat à ce sujet. Un exemplaire de la formule 29F (*Contestation du tiers saisi*) devrait être joint au présent avis. S'il ne l'est pas, communiquez avec votre avocat ou le greffe. Vous pouvez effectuer la signification par n'importe laquelle des méthodes énoncées à la règle 6 des *Règles en matière de droit de la famille*, y compris par la poste, par messagerie et par télécopie. Si vous signifiez la formule 29F et que vous la déposez au greffe, le tribunal peut tenir une audience sur la saisie-arrêt afin de déterminer les droits des parties. Entretemps, la signification et le dépôt d'une contestation n'ont pas pour effet de suspendre le présent avis de saisie-arrêt.

Si vous êtes l'employeur du payeur ou de la payeuse :

- a) l'article 56.1 de la *Loi sur les normes d'emploi* de l'Ontario rend illégal de congédier ou de suspendre un employé ou de menacer de le faire pour le motif qu'un bref de saisie-arrêt a été délivré à son égard;
- b) l'article 7 de la *Loi sur les salaires* de l'Ontario dit que vous ne pouvez pas déduire plus de:
 - (i) 50 % du salaire (après les retenues que prévoit la loi) payable à votre employé pour l'exécution d'une ordonnance alimentaire,
 - (ii) 20 % du salaire (après les retenues que prévoit la loi) payable à votre employé pour l'exécution d'une ordonnance autre qu'une ordonnance alimentaire.

Ces pourcentages ne peuvent être augmentés ou réduits que par ordonnance du tribunal. Si une copie d'une telle ordonnance est jointe au présent *Avis* ou vous est signifiée à un moment donné, vous devez utiliser le pourcentage indiqué dans cette ordonnance;

- c) les *Règles en matière de droit de la famille* énoncent que vous **DEVEZ** donner au greffier du tribunal et à la personne qui a demandé la saisie-arrêt, au plus tard 10 jours après que le payeur ou la payeuse a cessé de travailler pour vous, un avis écrit indiquant ce qui suit :
 - (i) le fait que le payeur ou la payeuse ne travaille plus pour vous,
 - (ii) la date à laquelle le payeur ou la payeuse a cessé de travailler pour vous et celle de la dernière rémunération qu'il ou elle a reçue de vous.

Formule 29B : Avis de saisie-arrêt (somme périodique) (page 3) Numéro de dossier du greffe.

SI VOUS N'OBSERVEZ PAS LE PRÉSENT AVIS, LE TRIBUNAL PEUT VOUS ORDONNER DE PAYER LE LEIN MONTANT DE LA CRÉANCE AINSI QUE LES FRAIS ENGAGÉS PAR LE OU LA BÉNÉFICIAIRE.

SI VOUS FAITES UN PAIEMENT À QUELQU'UN D'AUTRE QUE LA PERSONNE INDIQUÉE PLUS HAUT, LE TRIBUNAL PEUT VOUS ORDONNER D'EFFECTUER UN AUTRE PAIEMENT, MAIS CETTE FOIS-CI, À LA PERSONNE MENTIONNÉE DANS LE PRÉSENT AVIS.

Signature du greffier du tribunal

Date de la signature

AVIS AU PAYEUR OU À LA PAYEUSE : Vous avez le droit de signifier une contestation selon la formule 29E et de la déposer au greffe au plus tard 10 jours après que le présent avis vous est signifié. Vous voudrez peut-être consulter un avocat à ce sujet. Un exemplaire de la formule 29E (*Contestation du payeur ou de la payeuse*) devrait avoir été joint au présent avis lorsqu'il vous a été signifié. S'il ne l'était pas, communiquez avec votre avocat ou le greffe immédiatement. Vous pouvez effectuer la signification par n'importe laquelle des méthodes énoncées à la règle 6 des *Règles en matière de droit de la famille*, y compris par la poste, par messagerie et par télécopie. Si vous signifiez la formule 29E et que vous la déposez au greffe, le tribunal peut tenir une audience sur la saisie-arrêt afin de déterminer les droits des parties.

Si le tiers saisi est votre employeur, les *Règles en matière de droit de la famille* énoncent que vous DEVEZ, au plus tard 10 jours après que vous cessez de travailler pour lui, donner au greffier du tribunal ainsi qu'au ou à la bénéficiaire ou au directeur du Bureau des obligations familiales (*selon celui des deux qui est chargé d'exécuter l'ordonnance de saisie-arrêt*), un avis écrit indiquant ce qui suit :

- a) le fait que vous ne travaillez plus pour le tiers saisi,
- b) la date à laquelle vous avez cessé de travailler pour le tiers saisi et celle de la dernière paie que vous avez reçue de lui.

Au plus tard 10 jours après que vous commencez un nouvel emploi ou que vous retournez à votre ancien, vous DEVEZ remettre un autre avis écrit dans lequel vous donnez les nom et adresse de votre nouvel employeur ou indiquez que vous avez repris votre ancien emploi.

Numéro de dossier du greffe

(Nom du tribunal)

Formule 29C : Avis aux cotitulaires de créances

situé(e) au

Adresse du greffe

Bénéficiaire(s)**Payeur ou payeuse**

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

À : (nom et prénom officiels et adresse du ou de la cotitulaire)

Le tribunal, à la suite d'une cause les opposant, a rendu une ordonnance exigeant que le payeur ou la payeuse verse une somme au ou à la bénéficiaire. Le ou la bénéficiaire ou la personne qui exécute cette ordonnance pour son compte nous a signifié, à moi-même ou à mon entreprise, un avis de saisie-arrêt visant une dette que moi-même ou mon entreprise sommes censé devoir à u payeur ou à la payeuse et lui payer. Aux termes de la loi, une dette envers le payeur ou la payeuse comprend à la fois une dette qui n'est payable qu'à lui ou à elle ou qui l'est également à une ou plusieurs autres personnes. Selon mes dossiers ou ceux de mon entreprise, vous êtes une de ces «autres personnes» titulaires d'une partie de la dette dont moi-même ou mon entreprise sommes redevables au payeur ou à la payeuse.

☐ Conformément à l'avis de saisie-arrêt, j'ai payé la moitié

☐ Conformément à une ordonnance du tribunal, j'ai payé. \$

de la dette dont moi-même ou mon entreprise vous sommes redevables conjointement, à vous-même et au payeur ou à la payeuse

Cette somme est conservée pendant 30 jours par :

☐ le greffier du tribunal

☐ le directeur du Bureau des obligations familiales

au (adresse)

SI VOUS CROYEZ QUE MOI-MÊME OU MON ENTREPRISE AVONS PAYÉ DES SOMMES QUI VOUS APPARTIENNENT LÉGALEMENT, vous disposez de 30 jours, à compter du moment où le présent avis vous est signifié, pour signifier la formule 29G (*Contestation du ou de la cotitulaire de la créance*) et la déposer auprès du tribunal. Vous pouvez obtenir un exemplaire de cette formule auprès de votre avocat ou du greffe. Vos devez ensuite en signifier une copie dûment remplie aux personnes suivantes:

a) moi-même ou mon entreprise, à l'adresse ci-dessous;

b) le payeur ou la payeuse et le ou la bénéficiaire;

c) le greffier du tribunal ou le directeur, selon celui qui conserve les sommes.

Vous pouvez effectuer la signification par n'importe laquelle des méthodes énoncées à la règle 6 des *Règles en matière de droit de la famille*, y compris par la poste, par messagerie et par télécopie. Une fois la formule signifiée, vous devez la déposer auprès du tribunal, avec une preuve de sa signification (formule 6B). Le tribunal peut alors tenir une audience sur la saisie-arrêt afin de déterminer vos droits.

SI VOUS N'AGISSEZ PAS DANS LES 30 JOURS, vous ne pourrez pas contester plus tard la saisie-arrêt, par le ou la bénéficiaire, de la dette dont moi-même ou mon entreprise sommes conjointement redevables à vous-même et au payeur ou à la payeuse

Signature de la personne qui prépare le présent avis
ou de son avocat(e)

Date de la signature

Dactylographiez ou écrivez en caractères d'imprimerie les nom, adresse aux fins de signification, numéros de téléphone et de télécopieur et adresse électronique de la personne ou de son avocat(e)

Numéro de dossier du greffe

(Nom du tribunal)

**Formule 29D : Déclaration
solennelle sur l'indexation
des aliments datée du**

situé(e) au _____
Adresse du greffe

Bénéficiaire(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant)

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Payeur ou payeuse

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant)

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Tiers saisi

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Je m'appelle (nom et prénom officiels)

J'habite à (municipalité et province)

et je déclare que les renseignements suivants sont véridiques :

- Je suis ☐ un(e) bénéficiaire désigné(e) dans une ordonnance alimentaire ou dans les dispositions relatives aux aliments d'un contrat familial ou d'un accord de paternité.
☐ un(e) cessionnaire d'un(e) bénéficiaire désigné(e) dans une ordonnance alimentaire ou dans les dispositions relatives aux aliments d'un contrat familial ou d'un accord de paternité.
☐ un(e) mandataire du directeur du Bureau des obligations alimentaires.
☐ (Autre. Précisez.)
- Le (date), un avis de saisie-arêt a été délivré au tiers saisi dans le but d'exécuter une ordonnance alimentaire ou les dispositions relatives aux aliments d'un contrat familial ou d'un accord de paternité qui indexaient les paiements périodiques pour tenir compte de l'inflation.
- Le (date), le montant des aliments a été automatiquement rajusté en fonction de l'inflation comme l'indique l'ordonnance, le contrat ou l'accord.

Suite à la page suivante ➡

Formule 29D : Déclaration solennelle sur l'indexation des aliments (page 2)

Numéro de dossier du greffe

4. Par suite de ce rajustement, le tiers saisi devrait maintenant effectuer les retenues suivantes : (Indiquez le nouveau montant des retenues.)

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page.

Déclaré devant moi à
municipalité

à/en/au province, État ou pays

le date Commissaire aux affidavits
(Dactylographiez le nom ou écrivez-le en caractères
d'imprimerie ci-dessous si la signature est illisible)

Signature

(La présente formule doit être signée en présence d'un avocat, d'un juge de paix, d'un notaire ou d'un commissaire aux affidavits.)

REMARQUE : La présente déclaration doit être signifiée au tiers saisi et au payeur ou à la payeuse, accompagnée d'exemplaires de la formule de contestation. Elle doit ensuite être déposée auprès du greffier du tribunal. Vous pouvez effectuer la signification par n'importe laquelle des méthodes permises par la règle 6 des *Règles en matière de droit de la famille*, y compris par la poste, par messagerie et par télécopie. Le dépôt auprès du greffier du tribunal doit être accompagné d'une preuve de la signification (formule 6B).

AVIS AU TIERS SAISI : Dès que la présente déclaration vous est signifiée, vous devez considérer l'avis de saisie-arrêt comme s'il vous obligeait maintenant à effectuer les retenues mentionnées au point 4 de la présente déclaration. Le fait de ne pas le faire équivaut à ne pas observer l'*Avis de saisie-arrêt*.

AVIS AU PAYEUR OU À LA PAYEUSE ET AU TIERS SAISI Vous avez le droit de signifier une contestation selon la formule 29E (*Contestation du payeur ou de la payeuse*) ou la formule 29F (*Contestation du tiers saisi*) et de la déposer au greffe dans les 10 jours qui suivent celui où la présente déclaration vous est signifiée si vous avez des raisons d'ordre juridique de vous opposer à la modification de l'avis de saisie-arrêt. Peut-être voudrez-vous consulter un avocat à ce sujet. Un exemplaire de la formule de contestation devait accompagner la présente déclaration quand elle vous a été signifiée. S'il n'y était pas, communiquez avec votre avocat ou le greffe immédiatement. Si c'est ce que vous voulez faire, vous devez signifier votre contestation aux autres parties. Vous pouvez effectuer la signification par n'importe laquelle des méthodes permises par la règle 6 des *Règles en matière de droit de la famille*, y compris par la poste, par messagerie et par télécopie. Une fois la contestation signifiée, vous devez la déposer auprès du greffier du tribunal. Le dépôt doit être accompagné d'une preuve de la signification (formulaire 6B). Si vous signifiez et déposez votre contestation, le tribunal peut tenir une audience sur la saisie-arrêt afin de décider des droits des parties.

Numéro de dossier du greffe

(Nom du tribunal)

.....
Formule 29E :
Contestation du payeur
ou de la payeuse

situé(e) au
 Adresse du greffe

Bénéficiaire(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).
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Payeur ou payeuse

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).
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Tiers saisi

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).
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Je m'appelle (nom et prénom officiels)

J'habite à (municipalité et province)

et je déclare sous serment/J'affirme solennellement que les renseignements suivants sont véridiques :

1. Je suis le payeur ou la payeuse dans cette cause de saisie-arrêt.

2. Je conteste ☐ l'avis de saisie-arrêt délivré le
☐ la déclaration solennelle sur l'indexation des aliments faite le

(date), pour la ou les raisons suivantes :
 (Indiquez la ou les raisons de votre contestation sous forme de paragraphes numérotés.)

 Suite à la page suivante 

Formule 29E : Contestation du payeur ou de la payeuse
(page 2)

Numéro de dossier du greffe.

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page.

Déclaré sous serment/Affirmé solennellement devant moi à
municipalité

à/en/au province, État ou pays

le.
date

Commissaire aux affidavits
(Dactylographiez le nom ou écrivez-le en caractères
d'imprimerie ci-dessous; la signature est illisible)

Signature

(La présente formule doit être signée en présence d'un avocat, d'un juge de paix, d'un notaire ou d'un commissaire aux affidavits.)

AVIS AUX BÉNÉFICIAIRES : Veuillez examiner la présente contestation. Si vous n'êtes pas d'accord avec elle, vous pouvez demander une audience. Vous voudrez peut-être consulter votre avocat à ce sujet. Vous disposez de 10 jours, à compter de la signification du présent document, pour décider si vous voulez une audience. Si vous en désirez une, vous disposez, vous ou votre avocat, de 10 jours pour demander au greffier du tribunal, en personne ou par écrit, de vous envoyer par la poste, à vous-même, au payeur ou à la payeuse, au tiers saisi et au ou à la cotitulaire d'une créance conjointe (le cas échéant), un avis d'audience sur la saisie-arêt (formule 29H). À cette audience, le juge vous donnera, ainsi qu'aux autres parties, l'occasion d'être entendu(e) et peut rendre une ordonnance qui risque d'avoir une incidence sur les droits de toutes les parties.

Numéro de dossier du greffe

(Nom du tribunal)

.....
Formule 29F :
Contestation du tiers saisi

situé(e) au

Adresse du greffe

Bénéficiaire(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Payeur ou payeuse

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Tiers saisi

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

1 Je suis le tiers saisi dans cette cause de saisie-arrêt.

2. La loi ne m'oblige pas à payer : ☐ les sommes figurant dans l'avis de saisie-arrêt délivré le
☐ les nouvelles sommes figurant dans la déclaration solennelle sur l'indexation des aliments faite le

(date), pour la ou les raisons suivantes :

- ☐ Je ne dois rien au payeur ou à la payeuse et je ne m'attends pas à lui devoir quoi que ce soit parce que :
- ☐ le payeur ou la payeuse n'a jamais travaillé pour moi.
- ☐ le payeur ou la payeuse a cessé de travailler pour moi le (date)
- ☐ je devais de l'argent au payeur ou à la payeuse et le lui ai payé au complet le (date)
- ☐ je ne détiens aucune somme en fiducie pour le payeur ou la payeuse ou à son crédit.
- ☐ (Autre. Précisez.)

Suite à la page suivante ➔

Formule 29F : Contestation du tiers saisi (page 2)

Numéro de dossier du greffe.

- ☐ Je dois ou devrai de l'argent au payeur ou à la payeuse, mais cet argent ne peut être saisi par voie de saisie-arrêt parce que : (Indiquez les raisons de cette exemption à la loi.)
- ☐ (Autres raisons. Précisez.)

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page.

Signature du tiers saisi

Date de la signature

AVIS AUX BÉNÉFICIAIRES : Veuillez examiner la présente contestation. Si vous n'êtes pas d'accord avec elle, vous pouvez demander une audience. Vous voudrez peut-être consulter votre avocat à ce sujet. Vous disposez de 10 jours, à compter de la signification du présent document, pour décider si vous voulez une audience. Si vous en désirez une, vous disposez, vous ou votre avocat, de 10 jours pour demander au greffier du tribunal, en personne ou par écrit, de vous envoyer par la poste, à vous-même, au payeur ou à la payeuse, au tiers saisi et au ou à la cotitulaire d'une créance conjointe (le cas échéant), un avis d'audience sur la saisie-arrêt (formule 29H). À cette audience, le juge vous donnera, ainsi qu'aux autres parties, l'occasion d'être entendu(e) et peut rendre une ordonnance qui risque d'avoir une incidence sur les droits de toutes les parties.

Numéro de dossier du greffe

(Nom du tribunal)

situé(e) au

Adresse du greffe

Formule 29G :
Contestation du ou
de la cotitulaire
de la créance

Bénéficiaire(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Payeur ou payeuse

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Tiers saisi

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

1. Je suis cotitulaire de la dette dont le tiers saisi dans cette cause de saisie-arrêt est censé être redevable au payeur ou à la payeuse.
2. Je réclame une somme que le tiers saisi a versée et qui est conservée temporairement au profit du ou de la bénéficiaire de la façon suivante : (Sous forme de paragraphes numérotés, indiquez la somme que vous réclamez ainsi que le fondement juridique de votre réclamation.)

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page.

Suite à la page suivante ➡

**Formule 29G : Contestation du ou de la cotitulaire
de la créance (page 2)**

Numéro de dossier du greffe.

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page.

Signature du ou de la cotitulaire de la créance

Date de la signature

AVIS AUX BÉNÉFICIAIRES : Veuillez examiner la présente contestation. Si vous n'êtes pas d'accord avec elle, vous pouvez demander une audience. Vous voudrez peut-être consulter votre avocat à ce sujet. Vous disposez de 10 jours, à compter de la signification du présent document, pour décider si vous voulez une audience. Si vous en désirez une, vous disposez, vous ou votre avocat, de 10 jours pour demander au greffier du tribunal, en personne ou par écrit, de vous envoyer par la poste, à vous-même, au payeur ou à la payeuse, au tiers saisi et au ou à la cotitulaire d'une créance conjointe (le cas échéant), un avis d'audience sur la saisie-arrêt (formule 29H). À cette audience, le juge vous donnera, ainsi qu'aux autres parties, l'occasion d'être entendu(e) et peut rendre une ordonnance qui risque d'avoir une incidence sur les droits de toutes les parties.



(Nom du tribunal)

Numéro de dossier du greffe

situé(e) au _____
Adresse du greffe

**Formule 29H : Avis
d'audience sur la
saisie-arrêt**

Bénéficiaire(s)

<p><i>Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i></p>	<p><i>Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i></p>
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Payeur ou payeuse

<p><i>Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i></p>	<p><i>Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i></p>
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Tiers saisi

<p><i>Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i></p>	<p><i>Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i></p>
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À TOUTES LES PARTIES :

LE TRIBUNAL TIENDRA UNE AUDIENCE le (date) à (heure)
ou dès que possible par la suite, au (lieu de l'audience)

pour la ou les raisons suivantes : (Cochez la ou les cases appropriées.)

☐ une contestation a été déposée par ☐ le payeur ou la payeuse ☐ le tiers saisi ☐ le ou la cotitulaire d'une créance

☐ il est prétendu que le tiers saisi n'a rien payé

☐ il est prétendu que le tiers saisi a payé moins que ce qu'il devait

et le greffier du tribunal a reçu une demande d'audience sur la saisie-arrêt.

SI VOUS NE VOUS PRÉSENTEZ PAS AU TRIBUNAL, UNE ORDONNANCE PEUT ÊTRE RENDUE SANS VOUS ET ÊTRE EXÉCUTÉE CONTRE VOUS.

Signature du greffier du tribunal

Date de la signature

REMARQUE : Si une contestation a été signifiée et déposée, une photocopie de celle-ci devrait être jointe au présent avis. Si elle ne l'est pas, communiquez avec le greffe immédiatement.

Numéro de dossier du greffe

(Nom du tribunal)

**Formule 291 : Avis de
suspension de la
saisie-arrêt**

situé(e) au

Adresse du greffe

Bénéficiaire(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Payeur ou payeuse

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Tiers saisi

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

À : (nom du tiers saisi)

ET AU : ☐ GREFFIER DU TRIBUNAL : ☐ SHÉRIF DE (localité)

Je m'appelle : (nom et prénom officiels)

- Je suis ☐ la personne qui a demandé la saisie-arrêt dans cette cause.
- ☐ l'avocat(e) de la personne qui a demandé la saisie-arrêt dans cette cause.
- ☐ la personne qui a poursuivi cette saisie-arrêt aux termes d'un transfert d'exécution.
- ☐ l'avocat(e) de la personne qui a poursuivi cette saisie-arrêt aux termes d'un transfert d'exécution.
- ☐ un(e) mandataire du directeur du Bureau des obligations familiales.
- ☐ (Autre. Précisez.)

L'avis de saisie-arrêt que le greffier du tribunal a délivré le (date) est retiré aujourd'hui.

PAR CONSÉQUENT IL VOUS EST ORDONNÉ DE CESSER TOUT AUTRE PAIEMENT PRÉVU AUX TERMES DE LA SAISIE-ARRÊT.

Signature de la personne qui retire la saisie-arrêt

Date de la signature



(Nom du tribunal) Numéro de dossier du greffe

situé(e) au _____
Adresse du greffe

**Formule 30: Avis
d'audience
sur le défaut**

Bénéficiaire(s)

<p><i>Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i></p>	<p><i>Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i></p>
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Payeur ou payeuse

<p><i>Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i></p>	<p><i>Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i></p>
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À : (nom du payeur ou de la payeuse)

VOUS DEVEZ VOUS PRÉSENTER AU TRIBUNAL le (date) à (heure).....
ou dès que le tribunal peut entendre cette affaire, au (lieu de l'audience)

Le ou la bénéficiaire ou son représentant prétend que vous n'avez pas effectué certains paiements d'aliments prévus par une ordonnance, un contrat familial ou un accord de paternité. Vous trouverez des précisions au sujet de la demande qui est présentée contre vous dans la copie ci-jointe de l'état des sommes dues. Si elle n'est pas jointe, communiquez avec le greffe immédiatement. Il est demandé au tribunal de tenir une audience sur le défaut en vertu de l'article 41 de la *Loi sur les obligations familiales et l'exécution des arriérés d'aliments*. À cette audience, vous devrez expliquer non seulement les paiements en défaut mentionnés dans l'état des sommes dues, mais aussi ceux en défaut jusqu'à la date où le tribunal tient son audience.

VOUS DEVEZ REMPLIR les exemplaires ci-joints des formules d'état financier (formule 13) et de contestation du défaut (formule 30B), en signifier une copie à l'avocat du ou de la bénéficiaire, ou à la personne si elle n'a pas d'avocat, ou au directeur du Bureau des obligations familiales, et les déposer ensuite au greffe, accompagnés d'une preuve de leur signification (formule 6B), et ce dans les 10 jours qui suivent celui où le présent avis vous est signifié. Vous pouvez effectuer la signification par n'importe laquelle des méthodes permises par la règle 6 des *Règles en matière de droit de la famille*, y compris par la poste, par messagerie ou par télécopie. Si les exemplaires ne sont pas joints, communiquez avec le greffe immédiatement.

SI VOUS NE REMPLISSEZ PAS NI NE SIGNIFIEZ L'ÉTAT FINANCIER OU SI VOUS NE VOUS PRÉSENTEZ PAS AU TRIBUNAL COMME L'EXIGE LE PRÉSENT AVIS, UN MANDAT D'ARRÊT PEUT ÊTRE DÉCERNÉ POUR VOUS AMENER DEVANT LE TRIBUNAL.

Vous devriez apporter à l'audience les documents (comme les chèques payés) dont vous avez besoin pour prouver que vous avez bien effectué les paiements. Vous pouvez vous faire accompagner par votre avocat.

À L'AUDIENCE, LE TRIBUNAL PEUT RENDRE UNE ORDONNANCE CONTRE VOUS, Y COMPRIS UNE ORDONNANCE D'EMPRISONNEMENT POUR UNE PÉRIODE ALLANT JUSQU'À 90 JOURS. VOUS POUVEZ ÉGALEMENT ÊTRE CONDAMNÉ(E) AUX DÉPENS.

SI VOUS ACQUITTEZ LE MONTANT DES PAIEMENTS EN DÉFAUT AU PLUS TARD LE JOUR DE L'AUDIENCE, IL SE PEUT QUAND MÊME QUE VOUS DEVIEZ VOUS PRÉSENTER AU TRIBUNAL ET PAYER LES DÉPENS.

Signature du greffier du tribunal

Date de la signature

Numéro de dossier du greffe

(Nom du tribunal)

**Formule 30A : Demande
d'audience sur le défaut**

situé(e) au

Adresse du greffe

Bénéficiaire(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Payeur ou payeuse

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

AU GREFFIER DU TRIBUNAL :

1. Je suis ☐ la personne qui a signé l'état des sommes dues ci-joint.
☐ l'avocat(e) de la personne qui a signé l'état des sommes dues ci-joint.
☐ (Autre. Précisez.)
2. Le payeur ou la payeuse n'a pas effectué des paiements d'aliments s'élevant à \$, comme le précise l'état des sommes dues ci-joint.
3. Je demande la délivrance d'un avis d'audience sur le défaut exigeant que le payeur ou la payeuse se présente au tribunal pour expliquer pourquoi il ou elle n'a pas effectué les paiements lors d'une audience tenue en vertu de l'article 41 de la *Loi sur les obligations familiales et l'exécution des arriérés d'aliments*.

Signature

Date de la signature

REMARQUE : Vous devez préparer un nouvel état des sommes dues (préparé au cours des 30 derniers jours) et le joindre à la présente demande lorsque vous la déposez auprès du greffier du tribunal. Ensuite, dans la semaine précédant l'audience sur le défaut, vous devez déposer un état des sommes dues à jour.

Numéro de dossier du greffe

(Nom du tribunal)

.....
Formule 30B :
Contestation du défaut

situé(e) au

Adresse du greffe

Bénéficiaire(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Payeur ou payeuse

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Je m'appelle (nom et prénom officiels)**J'habite à** (municipalité et province)**et je déclare sous serment/j'affirme solennellement que les renseignements suivants sont véridiques :**

1. Je suis la personne désignée comme payeur ou payeuse dans cette cause.

(Cochez la ou les cases appropriées et écrivez vos raisons dans l'espace réservé à cette fin. Biffez les points qui ne s'appliquent pas à vous et apposez vos initiales.)

- ☐ 2. Je n'ai omis d'effectuer aucun paiement d'aliments contrairement à ce que laisse entendre l'état des sommes dues parce que : (Indiquez les raisons.)
- ☐ 3. Je ne dois pas la somme indiquée dans l'état des sommes dues, mais plutôt la somme de. \$. La différence s'explique comme suit :
 (Expliquez la différence s'il y en a une et si vous savez pourquoi. Si vous avez payé la somme que vous prétendez devoir ici, biffez les points 4 et 5, sinon passez au point 5 et donnez les raisons pour lesquelles vous n'avez pas payé la somme.)

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page.

Suite à la page suivante ➡

Formule 30B : Contestation du défaut (page 2)

Numéro de dossier du greffe.

- ☐ 4. Je dois la somme indiquée dans l'état des sommes dues. *(Passez au point 5 ci-dessous et donnez les raisons pour lesquelles vous n'avez pas payé la somme.)*
- ☐ 5. Les raisons pour lesquelles je n'ai pas payé la somme que je dois sont les suivantes : *(Indiquez les raisons.)*

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page.

Déclaré sous serment/Affirmé solennellement devant moi
municipalité

à/en/au
province, État ou pays

le. date

Commissaire aux affidavits

(Dactylographiez le nom ou écrivez-le en caractères
d'imprimerie ci-dessous si la signature est illisible.)

Signature

(La présente formule doit être signée en présence d'un avocat, d'un juge de paix, d'un notaire ou d'un commissaire aux affidavits.)



(Nom du tribunal)

Número de dossier du greffe

Formule 31 : Avis de
motion pour outrage

situé(e) au _____
Adresse du greffe

Requérant(e)s/Bénéficiaire(s) (Biffez le terme qui ne s'applique pas)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).
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Intimé(e)/Payeur ou payeuse (Biffez le terme qui ne s'applique pas)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).
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À : (nom de la personne contre qui la motion pour outrage est présentée)

La personne qui présente cette motion ou son avocat doit communiquer avec le greffier du tribunal par téléphone ou par un autre moyen pour fixer les date et heure auxquelles le tribunal pourrait entendre la motion.

VOUS DEVEZ VOUS PRÉSENTER AU TRIBUNAL situé au : (lieu de l'audience)

le (date)

à (heure) et y rester jusqu'à ce que le tribunal ait statué sur la cause.

Une motion sera présentée par (nom de la partie)

afin de vous déclarer coupable d'outrage au tribunal parce que : (Expliquez brièvement la nature de l'outrage.)

Les preuves contre vous sont énoncées dans l'affidavit ou les affidavits ci-joints. S'ils ne sont pas joints, communiquez avec le greffe immédiatement.

S'IL VOUS DÉCLARE COUPABLE D'OUTRAGE, LE TRIBUNAL PEUT RENDRE CONTRE VOUS UNE ORDONNANCE D'EMPRISONNEMENT, DE PAIEMENT D'UNE AMENDE OU DE SAISIE TEMPORAIRE DE VOS BIENS. VOUS POUVEZ ÉGALEMENT ÊTRE CONDAMNÉ(E) AUX DÉPENS.

SI VOUS NE VOUS PRÉSENTEZ PAS AU TRIBUNAL, UN MANDAT D'ARRÊT PEUT ÊTRE DÉCERNÉ CONTRE VOUS POUR VOUS AMENER DEVANT LE TRIBUNAL.

Signature de la personne qui présente la motion ou de son avocat(e)

Date de la signature

--

Dactylographiez ou écrivez en caractères d'imprimerie les nom, adresse aux fins de signification, numéros de téléphone et de télécopieur et adresse électronique de la personne ou de son avocat(e)



(Name Numéro de dossier du greffe

Numéro de dossier du greffe _____

**Formule 32 :
Cautionnement
(engagement)**

situé(e) au _____
Adresse du greffe

Requérant(e)s/Bénéficiaire(s) (Biffez le terme qui ne s'applique pas)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant)	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant)

Intimé(e)/Payeur ou payeuse (Biffez le terme qui ne s'applique pas)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant)	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant)

AU TRIBUNAL :

Je m'appelle (nom et prénom officiels)

J'habite à (municipalité et province)

JE RECONNAIS QUE JE DOIS

la somme de \$,

- ☐ à Sa Majesté la Reine
- ☐ à (nom de la personne qui peut légalement recouvrer la somme auprès de moi)
- ☐ qui sera immédiatement déposée au complet auprès du greffier du tribunal par moi-même ou par une ou plusieurs de mes cautions et qui sera confisquée
- ☐ qui, avec la permission du tribunal, n'a pas besoin d'être déposée auprès du greffier du tribunal, mais qui peut être recouvrée auprès de moi et d'une ou de plusieurs de mes cautions de la même façon qu'une ordonnance de paiement d'une somme peut être exécutée par ce tribunal

si je ne respecte pas une ou plusieurs des conditions suivantes :

(Énumérez les conditions sous forme de paragraphes numérotés. Indiquez la durée de chaque condition au moyen des mots «.....jusqu'au [date d'expiration]» ou d'une expression semblable chaque fois que le juge a fixé une date d'expiration.)

Suite à la page suivante ➡

Formule 32 : Cautionnement (engagement) (page 2)

Numéro de dossier du greffe.

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page.

Signature de la personne visée par le cautionnement (l'engagement)

REMARQUE : Un engagement doit être signé devant le greffier du tribunal ou le juge. Aucun sceau n'est nécessaire dans le cas d'un cautionnement.

(Remplir ce qui suit sauf si le tribunal n'a pas exigé de cautionnement. Aucun sceau n'est nécessaire dans le cas d'un cautionnement.)
 Par sa signature, la caution accepte de s'engager de la même façon que la personne qui fournit le cautionnement ou consent l'engagement et qui n'observe pas les conditions de la présente formule.

Nom et prénom officiels et adresse de la première caution _____ Signature de la première caution	Nom et prénom officiels et adresse de la deuxième caution _____ Signature de la deuxième caution
Nom et prénom officiels et adresse de la troisième caution _____ Signature de la troisième caution	Nom et prénom officiels et adresse de la quatrième caution _____ Signature de la quatrième caution

Si la présente formule constitue un engagement, il faut remplir la partie suivante.

Le présent engagement a été signé devant moi à (municipalité)

Signature du juge ou du greffier du tribunal

le (date).

AVIS AUX FOURNISSEURS DE CAUTIONNEMENTS ET AUX CAUTIONS : En cas de changement important de circonstances, vous pouvez présenter une motion au tribunal pour modifier toute condition du présent cautionnement (engagement).

Numéro de dossier du greffe

(Nom du tribunal)

**Formule 32A : Avis de
motion en confiscation**

situé(e) au

Adresse du greffe

Requérant(e)s/Bénéficiaire(s) (Biffez le terme qui ne s'applique pas)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Intimé(e)/Payeur ou payeuse (Biffez le terme qui ne s'applique pas)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

À : (nom de la personne qui a consenti l'engagement ou fourni le cautionnement)

ET À : (nom de la ou des cautions)

La personne qui présente cette motion ou son avocat doit communiquer avec le greffier par téléphone ou par un autre moyen pour fixer les date et heure auxquelles le tribunal pourrait entendre la motion.

LE TRIBUNAL ENTENDRA UNE MOTION LE (date)
à (heure), ou dès que possible par la suite, au : (lieu de l'audience)

La motion est présentée par (nom de la partie)

qui demandera au tribunal de rendre une ordonnance de confiscation à l'égard

☐ d'un engagement consenti☐ d'un cautionnement fourni

par (nom de la personne qui a consenti l'engagement ou fourni le cautionnement)

le (date) Une copie du cautionnement ou de l'engagement devrait être jointe au présent avis. Les motifs de la motion sont précisés dans l'affidavit ou les affidavits qui accompagnent le présent avis. Si le ou les documents ne sont pas joints, communiquez avec le greffe immédiatement.

S'IL VOUS NE VOUS PRÉSENTEZ PAS AU TRIBUNAL POUR LA PRÉSENTE MOTION, UNE ORDONNANCE DE CONFISCATION PEUT ÊTRE RENDUE SANS VOUS ET ÊTRE EXÉCUTÉE CONTRE VOUS.

Signature de la personne qui présente la motion
ou de son avocat(e)

Date de la signature

Dactylographiez ou écrivez en caractères d'imprimerie les nom, adresse aux fins de signification, numéros de téléphone et de télécopieur et adresse électronique de la personne ou de son avocat(e)



Numéro de dossier du greffe

(Nom du tribunal)

situé(e) au

Adresse du greffe

Formule 32B :
Mandat d'arrêt

À TOUS LES AGENTS DE LA PAIX DE LA PROVINCE DE L'ONTARIO :

JE VOUS ORDONNE D'ARRÊTER (nom de la personne)
pour le motif que cette personne est :

- ☐ un payeur ou une payeuse qui n'a pas déposé l'état financier demandé par le directeur du Bureau des obligations familiales.
Voir le paragraphe 40 (4) de la Loi sur les obligations familiales et l'exécution des arriérés d'aliments.
- ☐ un payeur ou une payeuse qui n'a pas déposé l'état financier exigé par un Avis d'audience sur le défaut.
Voir le paragraphe 41 (6) de la Loi sur les obligations familiales et l'exécution des arriérés d'aliments.
- ☐ un payeur ou une payeuse qui ne s'est pas présenté(e) au tribunal pour expliquer un défaut de paiement dans le cas d'une ordonnance alimentaire, d'un contrat familial ou d'un accord de paternité qui est exécutoire devant ce tribunal, contrairement à un Avis d'audience sur le défaut.
Voir le paragraphe 41 (6) de la Loi sur les obligations familiales et l'exécution des arriérés d'aliments.
- ☐ un payeur ou une payeuse qui est sur le point de quitter l'Ontario dans le but de se soustraire aux obligations que lui impose une ordonnance alimentaire, un contrat familial ou un accord de paternité qui est exécutoire devant ce tribunal.
Voir le paragraphe 49 (1) de la Loi sur les obligations familiales et l'exécution des arriérés d'aliments.
- ☐ un(e) intimé(e) dans une requête en aliments qui est sur le point de quitter l'Ontario dans le but de se soustraire aux obligations que lui impose la Loi sur le droit de la famille.
Voir le paragraphe 43 (1) de la Loi sur le droit de la famille.
- ☐ un(e) intimé(e) dans une requête visant à faire intégrer un accord de paternité dans une ordonnance du tribunal et qui est sur le point de quitter l'Ontario dans le but de se soustraire aux obligations que lui impose l'accord.
Voir le paragraphe 59 (2) de la Loi sur le droit de la famille.
- ☐ un témoin dont la présence est nécessaire pour trancher une question en litige dans une instance, à qui a été signifiée une *Assignment de témoin* et qui ne s'est pas présenté ou n'est pas resté comme l'exigeait l'assignation.
Voir les paragraphes 20 (9), 23 (7) et 27 (19) des Règles en matière de droit de la famille.
- ☐ une personne qui ne s'est pas présentée à une instance qui pourrait donner lieu à une ordonnance lui enjoignant de consentir un *Engagement* ou de fournir un *Cautionnement*.
Voir le paragraphe 32 (1) des Règles en matière de droit de la famille.
- ☐ une personne qui n'a pas consenti un *Engagement* ou fourni un *Cautionnement* comme l'exige une ordonnance de ce tribunal.
Voir le paragraphe 32 (1) des Règles en matière de droit de la famille.
- ☐ une personne contre laquelle une motion pour outrage au tribunal est présentée, dont la présence à l'audition de la motion est nécessaire dans l'intérêt de la justice et qui ne semble pas susceptible de se présenter de son plein gré.
Voir le paragraphe 31 (4) des Règles en matière de droit de la famille.
- ☐ (Autre. Précisez les motifs et les textes législatifs ou réglementaires à l'appui du présent mandat.)

Formule 32B : Mandat d'arrêt (page 2)Numéro de dossier du greffe.....

ET JE VOUS ORDONNE EN OUTRE d'amener immédiatement cette personne devant le tribunal de la municipalité où elle se trouve pour qu'il soit statué sur son cas conformément à la loi et, si le tribunal ne siège pas, de l'amener devant un juge de paix dès que possible pour qu'il soit statué sur son cas conformément à la loi.

Signature du ou de la juge

Date de délivrance

*Écrivez le nom du juge en caractères
d'imprimerie ou dactylographiez-le*

Date d'expiration du présent mandat

Inscrivez tous les renseignements connus

Nom et prénom officiels de la personne à arrêter			Date de naissance (j,m,a)		Sexe
Noms d'emprunt ou sobriquets					
Adresse résidentielle			Numéro de téléphone		
Adresse au travail			Numéro de téléphone		
Taille	Poids	Couleur des cheveux	Coiffure	Couleur des yeux	Teint
Numéro de permis de conduire			Automobile (marque, modèle et année)		
Numéro de plaque d'immatriculation et province			Numéro d'assurance sociale		
Clubs, associations ou syndicats					
Date et occasion les plus récentes auxquelles l'adresse résidentielle a été confirmée par voie de signification à personne					
Nom et adresse de la personne à contacter pour de plus amples renseignements			Numéro de téléphone		

(Nom du tribunal)

situé(e) au

Adresse du greffe

MANDAT D'ARRÊT

J'ai informé la personne que je viens d'arrêter de son droit de communiquer avec un avocat.

Date de l'arrestation

Signature de l'agent(e) chargé(e) de l'arrestation

Nom de l'agent(e)
en caractères d'imprimerie

(Dans l'espace ci-dessous, indiquez l'adresse et le numéro de téléphone ou l'agent(e) peut être contacté(e).)

Numéro de dossier du greffe

(Nom du tribunal)

**Formule 32C : Affidavit
pour un mandat
d'incarcération,**

situé(e) au

Adresse du greffe

daté du

Requérant(e)s/Bénéficiaire(s) (Biffez le terme qui ne s'applique pas)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).
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Intimé(e)/Payeur ou payeuse (Biffez le terme qui ne s'applique pas)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).
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Je m'appelle (nom et prénom officiel)

J'habite à (municipalité et province)

et je déclare sous serment/j'affirme solennellement que les renseignements suivants sont véridiques :

1. Je suis ☐ un(e) bénéficiaire désigné(e) dans une ordonnance de paiement.
☐ un(e) cessionnaire d'un(e) bénéficiaire désigné(e) par une ordonnance de paiement.
☐ un(e) mandataire du directeur du Bureau des obligations familiales.
☐ (Autre. Précisez.)
2. Je suis la personne qui a ☐ demandé au payeur ou à la payeuse de déposer un état financier.
☐ demandé au payeur ou à la payeuse de se présenter à un interrogatoire sur sa situation financière.
☐ commencé une audience sur le défaut contre le payeur ou la payeuse.
☐ présenté une motion pour outrage.
☐ (Autre. Précisez.)
3. Je présente cette motion pour demander au tribunal de décerner un mandat d'incarcération.
4. Le (date), le tribunal a rendu une ordonnance d'emprisonnement, dont une photocopie est jointe au présent affidavit, condamnant :
 - ☐ le payeur ou la payeuse à une peine d'emprisonnement pour ne pas avoir observé l'ordonnance de dépôt d'un état financier rendue par le tribunal;
 - ☐ le payeur ou la payeuse à une peine d'emprisonnement pour ne pas avoir observé l'ordonnance rendue ou la directive donnée par le tribunal au sujet d'un interrogatoire sur la situation financière;
 - ☐ le payeur ou la payeuse à une peine d'emprisonnement pour avoir omis d'effectuer des paiements d'aliments;
 - ☐ (nom) à une peine d'emprisonnement pour outrage au tribunal;
 - ☐ (Autre. Précisez.)

Suite à la page suivante ➡

Formule 32C : Affidavit pour un mandat d'incarcération (page 2)

Numéro de dossier du greffe.

pour une période de jours, mais la peine a été suspendue à certaines conditions énoncées dans l'ordonnance d'emprisonnement.

5. L'intimé(e)/le payeur ou la payeuse :

- ☐ était présent(e) au tribunal, ou y était représenté(e) par son avocat ou mandataire, lorsque cette ordonnance d'emprisonnement conditionnel a été rendue.
- ☐ n'était pas présent(e) au tribunal, ni y était représenté(e) par son avocat ou mandataire, lorsque l'ordonnance d'emprisonnement conditionnel a été rendue, mais celle-ci lui a été signifiée le (date)

6. Les conditions qui n'ont pas été respectées et les circonstances du manquement sont les suivantes : (Énoncez les conditions de la peine d'emprisonnement suspendue qui n'ont pas été respectées et donnez des précisions sur le manquement.)

- ☐ La somme de \$ était exigible le (date) mais aucun paiement n'avait été effectué à cette date.
- ☐ La somme de \$ était exigible le (date) mais seul un paiement partiel de \$ avait été effectué à cette date.
- ☐ (Autre. Précisez.)

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page.

Déclaré sous serment/Affirmé solennellement devant moi à
municipalité

à/en/au
province, État ou pays

le
date

Commissaire aux affidavits
(Dactylographiez le nom ou écrivez-le en caractères d'imprimerie
ci-dessous si la signature est illisible.)

Signature

(La présente formule doit être signée en présence d'un avocat, d'un juge de paix, d'un notaire ou d'un commissaire aux affidavits.)

Avis à la partie qui présente la motion : Vous devez joindre au présent affidavit une photocopie de l'ordonnance d'emprisonnement conditionnel rendue par le tribunal.



(Nom du tribunal) Numéro de dossier du greffe

(Adresse du greffe) **Formule 32D : Mandat d'incarcération**

À TOUS LES SHÉRIFS ET AUTRES AGENTS DE LA PAIX DE LA PROVINCE DE L'ONTARIO

ET À TOUS LES AGENTS DE : (nom et adresse de l'établissement correctionnel)

LE PRÉSENT MANDAT D'INCARCÉRATION VISE (nom et prénom officiels de la personne à emprisonner)

CE TRIBUNAL A CONCLU QUE cette personne :

- ☐ n'a pas observé l'ordonnance de dépôt d'un état financier rendue par le tribunal;
- ☐ n'a pas observé l'ordonnance rendue ou la directive donnée par le tribunal au sujet d'un interrogatoire sur la situation financière;
- ☐ a omis, sans raison valable, d'effectuer les paiements d'aliments qu'exigeait une ordonnance, un contrat familial ou un accord de paternité;
- ☐ a commis un outrage au tribunal;
- ☐ (Autre. Précisez.)

LE TRIBUNAL A CONDAMNÉ CETTE PERSONNE à une peine d'emprisonnement de jours qu'elle doit purger :

- ☐ de façon continue
- ☐ de façon intermittente le ou les (Précisez)

et : ☐ en même temps que toute autre peine d'emprisonnement qu'elle purge actuellement ou qu'elle est sur le point de purger.
☐ (Indiquez tout autre arrangement pris au sujet des autres conditions d'emprisonnement.)

Cochez la ou les cases qui s'appliquent, selon le cas, sinon biffez-les et apposez vos initiales.

☐ **ET LE TRIBUNAL A DEMANDÉ QUE** l'ordonnance d'emprisonnement soit suspendue à une ou plusieurs conditions. Il a constaté par la suite que la personne a violé une ou plusieurs des conditions et, en conséquence, il a ordonné que la suspension soit retirée de l'ordonnance d'emprisonnement.

☐ **ET LE TRIBUNAL A ORDONNÉ QUE** la personne soit libérée immédiatement sur réception de la somme de \$ par les agents de l'établissement correctionnel ou de l'autre établissement de garde en milieu fermé.

JE VOUS ORDONNE EN CONSÉQUENCE D'AMENER LA PERSONNE EN TOUTE SÉCURITÉ À L'ÉTABLISSEMENT CORRECTIONNEL OU AUTRE ÉTABLISSEMENT DE GARDE EN MILIEU FERMÉ INDIQUÉ CI-DESSUS ET DE LA CONFIER AUX AGENTS DE CET ÉTABLISSEMENT, ACCOMPAGNÉE DU PRÉSENT MANDAT.

ET J'ORDONNE, AUX AGENTS DE L'ÉTABLISSEMENT D'INCARCÉRER LA PERSONNE DANS VOTRE ÉTABLISSEMENT ET DE L'Y DÉTENIR JUSQU'À L'EXPIRATION DU MANDAT.

Le présent mandat expire :

- a) soit lorsque la personne a purgé la peine d'emprisonnement prescrite, sous réserve de l'article 28 (réduction de peine) de la Loi sur le ministère des Services correctionnels;
 - b) soit lorsque les agents de l'établissement correctionnel ou autre établissement de garde en milieu fermé reçoivent la somme indiquée ci-dessus;
 - c) soit sur autre ordonnance de ce tribunal,
- selon la première de ces éventualités.

Signature du ou de la juge

Date de délivrance

Écrivez le nom du juge en caractères d'imprimerie
ou dactylographiez-le

REMARQUE : Le fait d'avoir purgé la peine d'emprisonnement prescrite n'annule pas les arriérés d'aliments ou d'entretien. La description de la personne à emprisonner figure ci-dessous.

Inscrivez tous les renseignements connus

Nom et prénom officiels de la personne à arrêter			Date de naissance (j,m,a)		Sexe
Noms d'emprunt ou sobriquets					
Adresse résidentielle			Numéro de téléphone		
Adresse au travail			Numéro de téléphone		
Taille	Poids	Couleur des cheveux	Coiffure	Couleur des yeux	Teint
Numéro de permis de conduire			Automobile (marque, modèle et année)		
Numéro de plaque d'immatriculation et province			Numéro d'assurance sociale		
Clubs, associations ou syndicats					
Date et occasion les plus récentes auxquelles l'adresse résidentielle a été confirmée par voie de signification à personne					
Nom et adresse de la personne à contacter pour de plus amples renseignements				Numéro de téléphone	

(Nom du tribunal)	situé(e) au	Adresse du greffe	MANDAT D'INCARCÉRATION

Numéro de dossier du greffe

(Nom du tribunal)

situé(e) au

Adresse du greffe

**Formule 33 : Déclaration
en vue d'obtenir un mandat
d'amener un enfant**

Je m'appelle (nom et prénom officiels)

J'habite à (municipalité et province)

et je déclare sous serment/j'affirme solennellement que les renseignements suivants sont véridiques :

1. Je suis ☐ un(e) préposé(e) à la protection de l'enfance employé(e) par (raison sociale de la société d'aide à l'enfance)
☐ (Indiquez la profession ou le titre) ,
agent(e) de la paix de la province de l'Ontario, employé(e) au/chez (nom du bureau où vous travaillez)
2. Je crois, en me fondant sur des motifs raisonnables et probables, que (nom et prénom officiels de l'enfant)
est un enfant ayant besoin de protection pour les raisons suivantes : (Indiquez vos motifs.)
3. Je crois, en me fondant sur des motifs raisonnables et probables, qu'un plan d'action moins restrictif que le placement de l'enfant dans un lieu sûr n'est pas disponible ou ne protégerait pas suffisamment l'enfant pour les raisons suivantes : (Indiquez vos motifs.)

(Biffez le point 4 s'il ne s'applique pas.)

4. J'ai des motifs raisonnables et probables de croire que l'enfant se trouve au (Donnez l'adresse au complet ou une description précise des lieux où se trouve l'enfant.)

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page.

Déclaré devant moi à
municipalitéà/en/au
province, État ou paysle
date

Commissaire aux affidavits

(Dactylographiez le nom ou écrivez-le en caractères d'imprimerie ci-dessous si la signature est illisible.)

Signature

(La présente formule doit être signée en présence d'un avocat, d'un juge de paix, d'un notaire ou d'un commissaire aux affidavits.)

Numéro de dossier du greffe

(Nom du tribunal)

**Formule 33A : Mandat
d'amener un enfant**

situé(e) au

Adresse du greffe

À TOUS LES PRÉPOSÉS À LA PROTECTION DE L'ENFANCE ET AGENTS DE LA PAIX DE LA PROVINCE DE L'ONTARIO :

Sur la foi d'une dénonciation faite sous serment devant moi aux termes de la partie III de la *Loi sur les services à l'enfance et à la famille* au sujet de l'enfant nommé ou décrit au bas du présent mandat, je suis convaincu(e) qu'il existe des motifs raisonnables et probables de croire ce qui suit :

- a) l'enfant a besoin de protection;
- b) un plan d'action moins restrictif que le placement de l'enfant dans un lieu sûr n'est pas disponible ou ne protégera pas suffisamment l'enfant.

(Cochez la case ci-dessous seulement si vous savez où se trouve l'enfant, sinon biffez le point ci-dessous et apposez vos initiales.)

- ☐ Je suis en outre convaincu(e), sur la foi de cette dénonciation, que l'enfant se trouve actuellement au (Donnez l'adresse au complet ou une description précise des lieux où se trouve l'enfant.)

JE VOUS AUTORISE EN CONSÉQUENCE À AMENER CET ENFANT dans un lieu sûr au sens de la *Loi sur les services à l'enfance et à la famille*.

Le présent mandat expire à (heure) le (date)

Signature du ou de la juge de paix

Date de la signature

Écrivez le nom du juge de paix en caractères d'imprimerie ou
dactylographiez-le

Municipalité où le présent mandat a été signé

REMARQUE : Les modifications ou corrections apportées à la présente formule doivent porter les initiales du juge de paix. Commet une infraction criminelle quiconque modifie le texte du présent mandat après qu'il a été signé par celui-ci.

DESCRIPTION : Insérez tous les renseignements connus

Nom et prénom officiels de la personne visée par le mandat d'amener				Date de naissance (j,m,a)		Sexe	
Noms d'emprunt ou sobriquets							
Adresse résidentielle				Numéro de téléphone			
Lieu où se trouve actuellement l'enfant				Numéro de téléphone			
Taille	Poids	Couleur des cheveux	Coiffure	Couleur des yeux	Teint		
Autre caractéristique							
Nom et adresse de la personne à contacter pour de plus amples renseignements				Numéro de téléphone			

(Nom du tribunal)	
situé(e) au	
Adresse du greffe	
<div>MANDAT D'AMENER UN ENFANT</div>	

Numéro de dossier du greffe

(Nom du tribunal)

Formule 33B : Programme
de soins d'un enfant

situé(e) au _____
Adresse du greffe

Requérant(e)(s) [Dans la plupart des causes portant sur la protection d'un enfant, le/la requérant(e) sera une société d'aide à l'enfance.]

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).
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Intimé(e)(s) [Dans la plupart des causes portant sur la protection d'un enfant, l'intimé(e) sera un «père» ou une «mère» au sens de l'article 37 de la Loi sur les services à l'enfance et à la famille.]

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).
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1. Je m'appelle (nom et prénom officiels)
et je suis (indiquez le poste occupé à la société d'aide à l'enfance)
2. L'enfant ou les enfants dans cette cause s'appellent : (Indiquez les nom et prénom officiels de chaque enfant, suivi de sa date de naissance.)
3. Dans cette cause, la société d'aide à l'enfance demandera au tribunal :
 - ☐ de conclure que l'enfant ou les enfants ont besoin de protection aux termes de la partie III de la Loi sur les services à l'enfance et à la famille.
 - ☐ de conclure que l'enfant ou les enfants continuent d'avoir besoin de protection lors d'une révision du statut de l'ordonnance rendue le (date), à la suite d'une conclusion précédente communiquée le (date), et selon laquelle l'enfant ou les enfants avaient besoin de protection aux termes de la partie III de la Loi sur les services à l'enfance et à la famille.
4. La société d'aide à l'enfance ☐ envisage de soustraire
☐ a soustrait
l'enfant ou les enfants aux soins de l'intimé(e) ou des intimé(e)s ☐ temporairement.
☐ en permanence.
5. La société d'aide à l'enfance fournira les services suivants : (Décrivez les services qui seront offerts à l'enfant ou aux enfants et à leur famille.)

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page

Suite à la page suivante ➡

Formule 33B : Programme de soins d'un enfant (page 2)

Numéro de dossier du greffe.

6. La société d'aide à l'enfance s'attend à ce que l'intimé(e) ou les intimé(e)s respectent certaines conditions avant qu'elle ne puisse décider que la surveillance ou la tutelle de l'enfant ou des enfants n'est plus nécessaire. La violation de ces conditions pourrait entraîner des conséquences très graves. Les conditions sont les suivantes : *(Énoncez les conditions.)*

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page

Suite à la page suivante ➡

Formule 33B : Programme de soins d'un enfant (page 3)

Numéro de dossier du greffe.....

7. Le temps approximatif qu'il faudra pour atteindre les objectifs mentionnés au point 6 est le suivant : *(Indiquez la durée estimative. Si elle est de plus de 3 mois, donnez les raisons.)*
8. L'enfant ou les enfants ne peuvent pas être suffisamment protégés pendant qu'ils sont sous les soins de l'intimé(e) ou des intimé(e)s parce que : *(Indiquez les raisons.)*
9. Les efforts suivants ont été déployés dans le passé pour protéger l'enfant ou les enfants pendant qu'ils étaient sous les soins de l'intimé(e) ou des intimé(e)s. *(Décrivez les efforts déployés. S'il n'y en a pas eu, expliquez pourquoi.)*
10. Les efforts suivants sont prévus pour maintenir l'enfant ou les enfants en contact avec l'intimé(e) ou les intimé(e)s. *(Décrivez les efforts prévus. Écrivez «Néant» si vous n'en prévoyez pas.)*

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page

Suite à la page suivante ➡

Formule 33B : Programme de soins d'un enfant (page 4)

Numéro de dossier du greffe.

11. La société d'aide à l'enfance ☐ a déployé
☐ déploie

les efforts suivants pour le placement stable à long terme de l'enfant ou des enfants. (*Décrivez les efforts sur une période de 24 mois.*)

12. Le présent programme de soins a été signifié et des précisions à son sujet ont été données à l'intimé(e) ou aux intimé(e)s et autres personnes nommées ci-dessous :

Écrivez en caractères d'imprimerie le nom de la personne à qui le programme a été expliqué	Écrivez en caractères d'imprimerie le nom de la personne qui a expliqué le programme	Date de l'explication

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page

Signature

Date de la signature

Numéro de dossier du greffe

(Nom du tribunal)

**Formule 33C : Exposé
conjoint des faits
(protection de l'enfance)**

situé(e) au _____
Adresse du greffe

Requérant(e)(s) [Dans la plupart des causes portant sur la protection d'un enfant, le/la requérant(e) sera une société d'aide à l'enfance.]

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Intimé(e)(s) [Dans la plupart des causes portant sur la protection d'un enfant, l'intimé(e) sera un «père» ou une «mère» au sens de l'article 37 de la Loi sur les services à l'enfance et à la famille.]

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

LES SIGNATAIRES DU PRÉSENT ACCORD SONT LES SUIVANTS :

(Indiquez les nom et prénom officiels. Si vous êtes un(e) intimé(e), indiquez votre lien de parenté avec l'enfant ou les enfants. Si vous êtes un(e) employé(e) de la société d'aide à l'enfance, indiquez votre poste au sein de la société.)

Écrivez les nom et prénom officiels ou dactylographiez-les	Lien de parenté avec l'enfant OU poste à la société d'aide à l'enfance
Signature	Date de la signature
Écrivez les nom et prénom officiels ou dactylographiez-les	Lien de parenté avec l'enfant OU poste à la société d'aide à l'enfance
Signature	Date de la signature
Écrivez les nom et prénom officiels ou dactylographiez-les	Lien de parenté avec l'enfant OU poste à la société d'aide à l'enfance
Signature	Date de la signature
Écrivez les nom et prénom officiels ou dactylographiez-les	Lien de parenté avec l'enfant OU poste à la société d'aide à l'enfance
Signature	Date de la signature

NOUS SOMMES D'ACCORD :

- que les énoncés contenus dans la présente formule sont véridiques;
- que la présente formule peut être déposée auprès du tribunal et qu'elle peut y être consignée en preuve, sans porter atteinte au droit de quiconque de procéder à un contre-interrogatoire ou de soumettre d'autres éléments de preuve.

Suite à la page suivante ➡

**Formule 33C : Exposé conjoint des faits
(protection de l'enfance) (page 2)**

Numéro de dossier du greffe.

1. Les renseignements concernant l'enfant ou les enfants dans cette cause sont les suivants :

Nom et prénom officiels du premier enfant	Date de naissance	Âge	Sexe
Religion			
Statut de l'enfant indien ou autochtone			
Nom de la bande ou de la communauté autochtone			
Si l'enfant a été arrêté, adresse et nom du lieu d'où il a été retiré			
Nom et prénom officiels de la mère par la naissance ou l'adoption			
Nom et prénom officiels du père par la naissance ou l'adoption			
Statut du père à titre de «père» au sens de la loi			

Nom et prénom officiels du deuxième enfant	Date de naissance	Âge	Sexe
Religion			
Statut de l'enfant indien ou autochtone			
Nom de la bande ou de la communauté autochtone			
Si l'enfant a été arrêté, adresse et nom du lieu d'où il a été retiré			
Nom et prénom officiels de la mère par la naissance ou l'adoption			
Nom et prénom officiels du père par la naissance ou l'adoption			
Statut du père à titre de «père» au sens de la loi			

Nom et prénom officiels du troisième enfant	Date de naissance	Âge	Sexe
Religion			
Statut de l'enfant indien ou autochtone			
Nom de la bande ou de la communauté autochtone			
Si l'enfant a été arrêté, adresse et nom du lieu d'où il a été retiré			
Nom et prénom officiels de la mère par la naissance ou l'adoption			
Nom et prénom officiels du père par la naissance ou l'adoption			
Statut du père à titre de «père» au sens de la loi			

Au besoin, joignez des feuilles supplémentaires et numérotez-les

Suite à la page suivante ➡

**Formule 33C : Exposé conjoint des faits
(protection de l'enfance) (page 3)**

Numéro de dossier du greffe.

2. Les renseignements concernant l'intervention antérieure de la société d'aide à l'enfance à l'égard d'un ou de plusieurs des enfants dans cette cause sont les suivants :
- (Écrivez «Néant» s'il n'y a eu aucune intervention. Indiquez toute intervention par une société d'aide à l'enfance d'une autre partie de l'Ontario ou une agence de protection de l'enfance de l'extérieur de l'Ontario. Rappelez-vous qu'il s'agit ici d'un exposé CONJOINT DES FAITS, ce qui veut dire que vous ne pouvez pas indiquer quelque chose comme étant un fait si une autre partie n'est pas d'accord. Si vous ne vous entendez sur rien, écrivez «Aucun accord».)*
3. L'enfant ou les enfants ont été arrêtés parce que :
- (S'il n'y a eu aucune arrestation, écrivez «Néant». Encore une fois, il doit y avoir accord total entre toutes les parties. Tout point sur lequel il y a désaccord doit être exclu. Si vous ne vous entendez sur rien, écrivez «Aucun accord».)*
4. Nous sommes d'accord que le tribunal devrait conclure que l'enfant ou les enfants ont besoin de protection pour la ou les raisons suivantes :
- (N'indiquez que les raisons énumérées à la page 3 de la requête (formule 8B). Toute raison sur laquelle il y a désaccord doit être exclue. Si vous ne vous entendez pas, écrivez «Aucun accord». De toute façon, le tribunal peut toujours en arriver à une autre conclusion.)*

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page

Suite à la page suivante ➡

**Formule 33C : Exposé conjoint des faits
(protection de l'enfance) (page 4)**

Numéro de dossier du greffe.

5. Nous sommes d'accord que l'ordonnance la moins restrictive possible dans cette cause qui serait dans l'intérêt véritable de l'enfant ou des enfants est :
- (Encore une fois, n'indiquez que les conditions sur lesquelles toutes les parties sont parfaitement d'accord. Si vous ne vous entendez pas, écrivez «Aucun accord». De toute façon, le tribunal peut toujours rendre une autre ordonnance.)*

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page

Numéro de dossier du greffe

(Nom du tribunal)

situé(e) au

Adresse du greffe

**Formule 33D : Exposé
conjoint des faits
(révision de statut)****Requérant(e)(s)** [Dans la plupart des causes portant sur la protection d'un enfant, le/la requérant(e) sera une société d'aide à l'enfance.]

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).
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Intimé(e)(s) [Dans la plupart des causes portant sur la protection d'un enfant, l'intimé(e) sera un «père» ou une «mère» au sens de l'article 37 de la Loi sur les services à l'enfance et à la famille.]

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).
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LES SIGNATAIRES DU PRÉSENT ACCORD SONT LES SUIVANTS :

(Indiquez les nom et prénom officiels. Si vous êtes un(e) intimé(e), indiquez votre lien de parenté avec l'enfant ou les enfants. Si vous êtes un(e) employé(e) de la société d'aide à l'enfance, indiquez votre poste au sein de la société.)

Écrivez les nom et prénom officiels ou dactylographiez-les	Lien de parenté avec l'enfant OU poste à la société d'aide à l'enfance
Signature	Date de la signature
Écrivez les nom et prénom officiels ou dactylographiez-les	Lien de parenté avec l'enfant OU poste à la société d'aide à l'enfance
Signature	Date de la signature
Écrivez les nom et prénom officiels ou dactylographiez-les	Lien de parenté avec l'enfant OU poste à la société d'aide à l'enfance
Signature	Date de la signature
Écrivez les nom et prénom officiels ou dactylographiez-les	Lien de parenté avec l'enfant OU poste à la société d'aide à l'enfance
Signature	Date de la signature

NOUS SOMMES D'ACCORD :

- que les énoncés contenus dans la présente formule sont véridiques;
- que la présente formule peut être déposée auprès du tribunal et qu'elle peut y être consignée en preuve, sans porter atteinte au droit de quiconque de procéder à un contre-interrogatoire ou de soumettre d'autres éléments de preuve.

Suite à la page suivante ➡

**Formule 33D : Exposé conjoint des faits
(révision de statut) (page 2)**

Numéro de dossier du greffe.

1. Les renseignements concernant l'enfant ou les enfants dans cette cause sont les suivants :

Nom et prénom officiels du premier enfant	Date de naissance	Âge	Sexe
Religion			
Statut de l'enfant indien ou autochtone			
Nom de la bande ou de la communauté autochtone			
Si l'enfant a été arrêté, adresse et nom du lieu d'où il a été retiré			
Nom et prénom officiels de la mère par la naissance ou l'adoption			
Nom et prénom officiels du père par la naissance ou l'adoption			
Statut du père à titre de «père» au sens de la loi			

Nom et prénom officiels du deuxième enfant	Date de naissance	Âge	Sexe
Religion			
Statut de l'enfant indien ou autochtone			
Nom de la bande ou de la communauté autochtone			
Si l'enfant a été arrêté, adresse et nom du lieu d'où il a été retiré			
Nom et prénom officiels de la mère par la naissance ou l'adoption			
Nom et prénom officiels du père par la naissance ou l'adoption			
Statut du père à titre de «père» au sens de la loi			

Nom et prénom officiels du troisième enfant	Date de naissance	Âge	Sexe
Religion			
Statut de l'enfant indien ou autochtone			
Nom de la bande ou de la communauté autochtone			
Si l'enfant a été arrêté, adresse et nom du lieu d'où il a été retiré			
Nom et prénom officiels de la mère par la naissance ou l'adoption			
Nom et prénom officiels du père par la naissance ou l'adoption			
Statut du père à titre de «père» au sens de la loi			

Au besoin, joignez des feuilles supplémentaires et numérotez-les.

Suite à la page suivante ➡

**Formule 33D : Exposé conjoint des faits
(révision de statut) (page 3)**

Numéro de dossier du greffe

- 2.** L'ordonnance de protection la plus récente à l'égard de l'enfant ou des enfants mentionnés au point 1 a été rendue le (date)
..... et disait ce qui suit : (Indiquez la substance de
l'ordonnance.)
- 3.** La ou les raisons pour lesquelles le tribunal a conclu que l'enfant ou les enfants avaient besoin de protection à ce moment-là étaient les suivantes : (Indiquez les motifs.)
- 4.** Depuis que l'ordonnance faisant l'objet de la révision a été rendue, la ou les personnes suivantes sont Devenues un « père »
ou une « mère » au sens de la partie III de la Loi sur les services à l'enfance et à la famille.

Nom et prénom officiels Lien de parenté avec l'enfant
- 5.** Depuis que l'ordonnance a été rendue, les faits importants suivants se sont produits :
(Énumérez les faits qui ont trait aux préoccupations soulevées par le tribunal au point 3. Ne décrivez que ceux sur lesquels vous êtes TOUS
d'accord. Rappelez-vous qu'il s'agit ici d'un exposé CONJOINT DES FAITS, ce qui veut dire que vous ne pouvez pas indiquer quelque chose
comme étant un fait si au moins un des signataires n'est pas d'accord. Si vous ne vous entendez pas, écrivez «Aucun accord».)
- 6.** À ce jour, les motifs énoncés au point 3 :
- ☐ continuent d'exister en totalité ou en partie.
☐ n'existent plus.

Les précisions à ce sujet sont les suivantes :

(Indiquez ceux de ces motifs sur lesquels vous êtes tous d'accord qu'ils continuent d'exister. N'indiquez PAS l'opinion d'une partie au sujet du besoin continu de protection si une autre partie n'est pas entièrement d'accord. Cette opinion peut être exprimée, mais pas ici, puisqu'il s'agit d'un exposé conjoint des faits. Si vous n'arrivez pas à vous entendre, écrivez «Aucun accord»)

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page

Suite à la page suivante ➡

**Formule 33D : Exposé conjoint des faits
(révision de statut) (page 4)**

Numéro de dossier du greffe.

7. Les parties suivantes du programme de la société, daté du, ont été menées à bien :
(Encore une fois, tous les signataires du présent document doivent être parfaitement d'accord. Si quelqu'un n'est pas d'accord, le point ne peut pas être énuméré ci-dessous. Si vous ne vous entendez pas, écrivez «Aucun accord».)
8. Les services supplémentaires suivants ont été spécialement fournis ou offerts à la ou aux personnes qui avaient la garde de l'enfant ou des enfants avant qu'ils ne soient confiés aux soins de la société d'aide à l'enfance.
(Si vous n'arrivez pas à vous entendre, écrivez «Aucun accord».)
9. Les parties suivantes du programme de la société n'ont pas été menées à bien :
(Indiquez ce qui n'a pas été accompli. Encore une fois, toutes les parties doivent être d'accord, sinon écrivez «Aucun accord».)
10. Les raisons pour lesquelles les parties du programme n'ont pas été menées à bien sont les suivantes :
(Énumérez les raisons sur lesquelles tous les signataires sont d'accord. N'indiquez pas celles sur lesquelles il y a désaccord. Si vous ne vous entendez pas, écrivez «Aucun accord».)

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page

Suite à la page suivante ➡

**Formule 33D : Exposé conjoint des faits
(révision de statut) (page 5)**

Numéro de dossier du greffe.

11. L'enfant ou les enfants et (*nom des autres personnes*)
☐ n'ont pas besoin ☐ ont toujours besoin
d'autres services.
(Énumérez les autres services seulement si TOUTES les parties sont d'accord sur leur nécessité. S'il n'y a pas entente, écrivez «Aucun accord».)
12. Nous sommes d'accord que l'ordonnance la moins restrictive possible dans cette cause qui serait dans l'intérêt véritable de l'enfant ou des enfants est :
(N'indiquez AUCUNE condition sur laquelle les parties ne sont pas d'accord. Si vous ne vous entendez pas, écrivez «Aucun accord». De toute façon, le tribunal peut toujours rendre une autre ordonnance.)

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page

Numéro de dossier du greffe

(Nom du tribunal)

situé(e) au

Adresse du greffe

Formule 33E :
Consentement de
l'enfant au traitement
en milieu fermé

Requérant(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant)

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Enfant

Nom et prénom officiels :

Date de naissance :

Sexe :

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

1. Je m'appelle (nom et prénom officiels de l'enfant)
2. Je sais que le/la ou les requérant(e)s demandent au tribunal de rendre une ordonnance :
 - ☐ pour m'envoyer et peut-être me faire détenir pour ma propre protection au
 - ☐ pour me garder plus longtemps et peut-être me garder en détention pour ma propre protection au
 - ☐ pour me donner mon congé du
 (nom et adresse du programme)
3. Je sais que ☐ j'ai le droit de me présenter au tribunal lorsque le juge entendra cette cause, mais je suis d'accord pour ne pas le faire et pour laisser le tribunal rendre sans moi toute ordonnance qui doit être rendue.
☐ le tribunal a généralement besoin d'entendre les témoins avant de pouvoir rendre une ordonnance dans cette cause, mais je suis d'accord pour qu'il rende l'ordonnance sans avoir à entendre les témoins en personne et pour qu'il fonde sa décision sur les éléments de preuve dans les rapports et autres documents que le/la ou les requérant(e)s peuvent présenter au juge.
4. J'ai parlé à un avocat :
 - a) qui m'a expliqué ces choses.
 - b) qui m'a expliqué ce que cela veut dire de signer le présent consentement.
 - c) qui assistera ma signature de la présente formule et la signera comme témoin.

Signature de l'enfant

Date des signatures

Signature de l'avocat(e)

REMARQUE : Le présent consentement doit être signé en présence d'un avocat indépendant qui doit fournir ci-dessous un affidavit de témoin à la signature attestant la fourniture de conseils juridiques indépendants.

REMARQUE : Le consentement visant à passer outre aux témoignages oraux n'est pas valide pendant plus de 180 jours après que le tribunal rend son ordonnance.

Suite à la page suivante ➡

**Formule 33E : Consentement de l'enfant au traitement
en milieu fermé (page 2)**

Numéro de dossier du greffe.

AFFIDAVIT DE TÉMOIN À LA SIGNATURE ATTESTANT LA FOURNITURE DE CONSEILS JURIDIQUES INDÉPENDANTS

Je m'appelle (nom et prénom officiels)

et je déclare sous serment/j'affirme solennellement que les renseignements suivants sont véridiques :

1. Je suis membre du Barreau de (nom du territoire de compétence)
et je ne représente personne d'autre dans cette cause portant sur le traitement en milieu fermé.
2. J'ai expliqué ce qui suit à (nom et prénom officiels de l'enfant)
 - ☐ la nature et l'effet :
 - ☐ d'un programme de traitement en milieu fermé;
 - ☐ de la prorogation d'un programme de traitement en milieu fermé;
 - ☐ de la mise en congé d'un programme de traitement en milieu fermé;
 - ☐ les conséquences d'une non-comparution à l'audience;
 - ☐ les conséquences d'une audience où le tribunal rend sa décision sans entendre de témoignage oral;
 dans un langage adapté à son âge au mieux de ma connaissance et de ma compétence.
3. Après mon explication, l'enfant m'a dit qu'il voulait signer le présent consentement.
4. J'étais présent(e) lorsque l'enfant a signé le présent consentement et je l'ai signé comme témoin.

Déclaré sous serment/Affirmé solennellement devant moi à

municipalité

à/en/au

province, État ou pays

le.

date

Commissaire aux affidavits

(Dactylographiez le nom ou écrivez-le en caractères d'imprimerie
ci-dessous si la signature est illisible.)

Signature

(La présente formule doit être si-
gnée en présence d'un avocat, d'un
juge de paix, d'un notaire ou d'un
commissaire aux affidavits.)

Numéro de dossier du greffe

(Nom du tribunal)

situé(e) au

Adresse du greffe

Formule 33F :
Consentement
au traitement en
milieu fermé (personne
autre que l'enfant)

Requérant(e)(s)

<i>Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i>	<i>Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i>
--	---

Enfant

<i>Nom et prénom officiels :</i> <i>Date de naissance :</i> <i>Sexe :</i>	<i>Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i>
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<i>Nom du programme de traitement en milieu fermé dans cette cause et adresse où il est offert</i>
--

Je m'appelle (nom et prénom officiels) et je suis :

- ☐ l'administrateur(trice) du programme de traitement en milieu fermé. Je consens à la présente requête visant :
- ☐ à placer l'enfant dans le programme.
 - ☐ à proroger le placement de l'enfant dans le programme.
 - ☐ à proroger le placement dans le programme de la personne qui y a été admise et qui a maintenant atteint l'âge de 18 ans.
- ☐ le père ou la mère de l'enfant. Je consens :
- ☐ à cette requête visant à placer mon enfant qui est sous les soins d'une personne autre que l'administrateur du programme de traitement en milieu fermé.
 - ☐ au placement de mon enfant dans le programme de traitement en milieu fermé pour une période de 180 jours dans cette requête présentée par (raison sociale de la société d'aide à l'enfance)
 - ☐ à cette requête de l'administrateur du programme de traitement en milieu fermé visant à proroger l'admission de mon enfant au programme.
- ☐ un(e) représentant(e) autorisé(e) du ministère des Services sociaux et communautaires de l'Ontario. Je consens à l'admission de l'enfant qui a moins de 12 ans au programme de traitement en milieu fermé :
- ☐ temporairement, pendant que cette cause visant à obtenir une ordonnance de placement ou de prorogation du placement est ajournée.
 - ☐ sur ordonnance définitive du tribunal en vue du placement ou de la prorogation du placement.
- ☐ un(e) agent(e) de (raison sociale de la société d'aide à l'enfance)
 Je suis autorisé(e), au nom de la société, à consentir à cette requête de l'administrateur du programme de traitement en milieu fermé visant à proroger le placement de l'enfant dans ce programme.

**Formule 33F : Consentement au traitement en
milieu fermé (personne autre que l'enfant)(page 2)**

Numéro de dossier du greffe.

- ☐ la personne qui fait l'objet de cette cause. J'ai 18 ans ou plus. Je consens à cette requête visant à proroger mon placement dans le programme de traitement en milieu fermé auquel je suis actuellement admis.

Signature

Date de la signature

Numéro de dossier du greffe

(Nom du tribunal)

Formule 34 :
Consentement
de l'enfant à l'adoption

situé(e) au _____
 Adresse du greffe

Requérant(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).
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Intimé(e)(s) [Remarque : Dans certaines causes d'adoption, il se peut qu'il n'y ait aucun intimé officiel.]

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).
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1. Je m'appelle (nom et prénom officiels de l'enfant)
2. Je suis né(e) le (date de naissance)
3. Je sais que (nom et prénom officiels du/de la ou des requérant(e)s)
 demande(nt) au tribunal de rendre une ordonnance d'adoption à mon égard.
4. Je suis d'accord pour qu'ils m'adoptent.
5. On m'a donné l'occasion de recevoir des conseils professionnels.
6. Je sais que j'ai 21 jours pour changer d'idée au sujet du présent *Consentement* et que je devrais le faire savoir par écrit au bureau de la société d'aide à l'enfance au : (adresse municipale)
7. J'ai parlé à un avocat :
 - ☐ qui m'a expliqué ce qu'était une adoption;
 - ☐ qui m'a expliqué ce que cela veut dire de signer le présent *Consentement*;
 - ☐ qui m'a dit quoi faire si je veux changer d'idée au sujet du présent *Consentement*;
 - ☐ qui m'a parlé du registre de divulgation des renseignements sur les adoptions;
 - ☐ qui assistera à ma signature de la présente formule et la signera comme témoin.

À remplir seulement si l'enfant a 12 ans ou plus.

8. J'accepte que mon nom après l'adoption soit (nom et prénom officiels après l'adoption)

Signature de l'enfant

Signature d'un avocat indépendant

Date des signatures

REMARQUE: Le présent consentement doit être attesté par un représentant du Bureau de l'avocat des enfants, qui doit fournir un Affidavit de témoin à la signature attestant la fourniture de conseils juridiques indépendants à la page suivante.

Suite à la page suivante ➡

**AFFIDAVIT DE TÉMOIN À LA SIGNATURE ATTESTANT LA FOURNITURE
DE CONSEILS JURIDIQUES INDÉPENDANTS**

Je m'appelle (nom et prénom officiels)

et je déclare sous serment/j'affirme solennellement que les renseignements suivants sont véridiques :

- 1. Je suis membre du Barreau de (nom du territoire de compétence)
et mandataire du Bureau de l'avocat des enfants.

- 2. Je ne représente personne d'autre dans cette cause d'adoption.

- 3. J'ai expliqué ce qui suit à (nom et prénom officiels de l'enfant)
 - ☐ la nature et l'effet d'une adoption selon le droit de l'Ontario;
 - ☐ la nature et l'effet du présent consentement;
 - ☐ les circonstances dans lesquelles le présent consentement peut être retiré;
 - ☐ la nature et le fonctionnement du registre de divulgation des renseignements sur les adoptions de l'Ontario;
 - ☐ le droit, sur demande, d'être informé si une ordonnance d'adoption a été rendue, dans un langage adapté à son âge au mieux de ma connaissance et de ma compétence.

- 4. Après mon explication, l'enfant m'a dit qu'il voulait signer le présent consentement.

- 5. J'étais présent(e) lorsque l'enfant a signé le présent consentement et je l'ai signé comme témoin.

<div style="border-bottom: 1px solid black; margin-bottom: 5px;">Déclaré sous serment/Affirmé solennellement devant moi à</div> <div style="text-align: right; margin-right: 50px;"><small>municipalité</small></div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">à/en/au</div> <div style="text-align: right; margin-right: 50px;"><small>province, État ou pays</small></div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">à/en/au.</div> <div style="text-align: right; margin-right: 50px;"><small>date</small></div> <div style="text-align: right; margin-right: 50px;">Commissaire aux affidavits</div> <div style="text-align: right; margin-right: 50px;"><small>(Dactylographiez le nom ou écrivez-le en caractères d'imprimerie ci-dessous si la signature est illisible.)</small></div>	<div style="border-bottom: 1px solid black; margin-bottom: 5px; text-align: center;">Signature</div> <div style="text-align: center;"><small>(La présente formule doit être si- gnée en présence d'un avocat, d'un juge de paix, d'un notaire ou d'un commissaire aux affidavits.)</small></div>
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Numéro de dossier du greffe

(Nom du tribunal)

Formule 34A : Affidavit
de filiation daté du

situé(e) au Adresse du greffe

Requérant(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Intimé(e)(s) [Remarque : Dans certaines causes d'adoption, il se peut qu'il n'y ait aucun intimé officiel.]

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Je m'appelle (nom et prénom officiels)

J'habite à (municipalité et province)

et je déclare sous serment/j'affirme solennellement que les renseignements suivants sont véridiques :

1. Les nom et prénom officiels de l'enfant sont les suivants :
2. Je suis (Indiquez votre lien de parenté avec l'enfant)
3. L'enfant est né le (date) à (municipalité, province, etc.)
4. La naissance de l'enfant a été consignée au registre de l'état civil du/de l'/de la (province) sous le ou les noms suivants :

Cochez la case applicable

5. ☐ Je ne connais pas l'identité du père biologique de l'enfant.
- ☐ Le père biologique de l'enfant s'appelle (nom et prénom officiels)
- ☐ Les seuls renseignements que j'ai au sujet du père biologique de l'enfant sont les suivants : (Précisez.)

6. (Nom d'une personne qui connaît la signification juridique de l'expression «père ou mère») a examiné avec moi les catégories de personnes qui ont la qualité de «père ou mère» pour l'application de la Loi sur les services à l'enfance et à la famille et dont le consentement est nécessaire avant que l'enfant puisse être adopté.

Suite à la page suivante ➡

Formule 34A : Affidavit de filiation (page 2)

Numéro de dossier du greffe.

Cochez les cases ci-dessus qui s'appliquent à votre cas

7. L'examen mentionné au point 6 comprenait l'examen des points suivants :

- ☐ L'enfant est né dans les 300 jours qui suivent le moment où :
- ☐ est décédé le mari de la mère (*nom et prénom officiels du mari*)
 - ☐ la mère a obtenu un divorce de (*nom et prénom officiels du conjoint*)
 - ☐ la mère a obtenu une annulation de son mariage avec (*nom et prénom officiels du conjoint*)
 - ☐ a pris fin la cohabitation de la mère, qui a duré (*Indiquez la durée*) avec (*nom et prénom officiels de l'homme*)
- ☐ À la naissance de l'enfant, sa mère :
- ☐ n'était pas mariée.
 - ☐ était mariée à (*nom et prénom officiels du mari*)
 - ☐ ne cohabitait avec aucun homme.
 - ☐ cohabitait avec (*nom et prénom officiels de l'homme*) depuis (*indiquez la durée de l'union*)
- ☐ Après la naissance de l'enfant, sa mère :
- ☐ est demeurée célibataire jusqu'à ce jour, au mieux de ma connaissance et de mes renseignements.
 - ☐ a marié un homme qui n'a jamais reconnu être le père de l'enfant.
 - ☐ le (*date*), a marié (*nom et prénom officiels du mari*), qui a reconnu être le père de l'enfant.
- ☐ Aux termes de la *Loi sur les statistiques de l'état civil* de l'Ontario ou d'une loi semblable d'une autre province ou d'un territoire du Canada :
- ☐ aucun homme n'a, au mieux de ma connaissance et de mes renseignements,
 - ☐ (*nom et prénom officiels de l'homme*) a certifié la naissance de l'enfant à titre de père de l'enfant.
- ☐ À ce jour :
- ☐ aucun homme n'a, au mieux de ma connaissance et de mes renseignements, été reconnu par un tribunal du Canada
 - ☐ (*nom et prénom officiels de l'homme*) a été reconnu par (*nom du tribunal*) comme le père de l'enfant.
- ☐ Dans les 12 mois avant que l'enfant ne soit placé en vue de son adoption :
- ☐ personne n'a
 - ☐ (*nom et prénom officiels de la personne*) a manifesté une intention bien arrêtée de traiter l'enfant comme s'il s'agissait d'un enfant de sa famille.
- ☐ Dans les 12 mois avant que l'enfant ne soit placé en vue de son adoption :
- ☐ personne n'a reconnu devant moi ni, au mieux de ma connaissance et de mes renseignements, devant une autre personne ou un autre organisme
 - ☐ (*nom et prénom officiels de la personne*) a reconnu
 - ☐ devant moi
 - ☐ devant (*nom de l'autre personne ou organisme*)
- un lien de filiation qui l'unit à l'enfant et subvenu à ses besoins.
- ☐ Une déclaration solennelle :
- ☐ n'a jamais, au mieux de ma connaissance et de mes renseignements, été déposée par qui que ce soit
 - ☐ a été déposée par (*nom et prénom officiels de la personne*) au bureau du registraire général de l'état civil reconnaissant un lien de filiation qui l'unit à l'enfant.
- ☐ Il
- ☐ n'existe aucun accord écrit ou ordonnance du tribunal qui exige de qui que ce soit qu'il ou elle
 - ☐ existe un accord écrit, conclu le (*date*) à (*municipalité, etc.*) exige de (*nom et prénom officiels de la personne*) qu'il ou elle
 - ☐ existe une ordonnance du/de (*nom du tribunal*) , rendue le (*date*) à (*municipalité, etc.*)

Suite à la page suivante ➡

Formule 34A : Affidavit de filiation (page 3)

Numéro de dossier du greffe.

qui exige de (*nom et prénom officiels de la personne*) qu'il ou elle
subvienne aux besoins de l'enfant.

- ☐ II ☐ n'existe aucun accord écrit ou ordonnance du tribunal qui donne à qui que ce soit
☐ existe un accord écrit, conclu le (*date*) à
(*municipalité, etc.*)
qui donne à (*nom et prénom officiels de la personne*)
☐ existe une ordonnance du/de (*nom du tribunal*) , rendue
le (*date*) à
(*municipalité, etc.*)
qui donne à (*nom et prénom officiels de la personne*)
la garde de l'enfant ou un droit de visite à celui-ci.

8. L'examen mentionné aux points 6 et 7 indique que, à l'exception de la mère de l'enfant :

- ☐ personne d'autre n'entre
☐ (*nom et prénom officiels de la ou des personnes*) entre(nt)

dans la définition d'un «père» ou d'une «mère» dont le consentement serait en conséquence exigé avant que l'enfant puisse être adopté.

Déclaré sous serment/Affirmé solennellement devant moi à
municipalité

à/en/au
province, État ou pays

le
date
Commissaire aux affidavits
(Dactylographiez le nom ou écrivez-le en caractères d'imprimerie
ci-dessous si la signature est illisible.)

Signature
(La présente formule doit être signée en
présence d'un avocat, d'un juge de paix,
d'un notaire ou d'un commissaire aux
affidavits.)

Numéro de dossier du greffe

(Nom du tribunal)

situé(e) au

Adresse du greffe

Formule 34B :
Consentement d'une
personne autre que le
père ou la mère à
l'adoption par le conjoint

Requérant(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Intimé(e)(s) (Remarque : Dans certaines causes d'adoption, il se peut qu'il n'y ait aucun intimé officiel.)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

1. Je m'appelle (nom et prénom officiels)
 et j'habite à (municipalité et province)
2. Le/la requérant(e) est mon «conjoint» au sens de la partie VII de la Loi sur les services à l'enfance et à la famille.
3. Je ne suis pas le «père» ou la «mère» de l'enfant dans cette cause au sens de la partie VII de la Loi sur les services à l'enfance et à la famille.
4. Je consens à l'adoption de (nom et prénom officiels de l'enfant)
 par mon conjoint (nom et prénom officiels du conjoint)

Signature de la personne qui n'est pas le père ou la mère

Date des signatures

Signature d'un avocat indépendant

REMARQUE : Le présent consentement doit être signé en présence d'un avocat indépendant qui doit fournir ci-dessous l'affidavit de témoin à la signature attestant la fourniture de conseils juridiques indépendants. Si la personne qui donne son consentement a moins de 18 ans, le consentement doit également être accompagné d'une attestation de l'avocat des enfants selon la formule 34J.

Suite à la page suivante ➡

Formule 34B : Consentement d'une personne autre que le père ou la mère à l'adoption par le conjoint (page 2)

Numéro de dossier du greffe.

AFFIDAVIT DE TÉMOIN À LA SIGNATURE ATTESTANT LA FOURNITURE DE CONSEILS JURIDIQUES INDÉPENDANTS

Je m'appelle (nom et prénom officiels)

et je déclare sous serment/j'affirme solennellement que les renseignements suivants sont véridiques :

1. Je suis membre du Barreau de (nom du territoire de compétence)
et je ne représente personne d'autre dans cette cause d'adoption.
2. J'ai expliqué ce qui suit à (nom et prénom officiels de la personne qui n'est pas le père ou la mère)
 - ☐ la nature et l'effet d'une adoption selon le droit de l'Ontario;
 - ☐ la nature et l'effet du présent consentement;
 - ☐ les circonstances dans lesquelles le présent consentement peut être retiré;
 - ☐ la nature et le fonctionnement du registre de divulgation des renseignements sur les adoptions de l'Ontario;
 - ☐ le droit de recevoir des conseils professionnels.
3. Après mon explication, la personne m'a dit qu'elle voulait signer le présent consentement
4. J'étais présent(e) lorsque la personne a signé le présent consentement et je l'ai signé comme témoin.

Déclaré sous serment/Affirmé solennellement devant moi à

municipalité

à/en/au

province, État ou pays

le.

date

Commissaire aux affidavits

(Dactylographiez le nom ou écrivez-le en caractères
d'imprimerie ci-dessous si la signature est illisible)

Signature

(La présente formule doit être
signée en présence d'un avocat,
d'un juge de paix, d'un notaire ou
d'un commissaire aux affidavits.)

Numéro de dossier du greffe

(Nom du tribunal)

**Formule 34C : Déclaration
du directeur ou du
directeur local au sujet
de l'adoption**

situé(e) au

Adresse du greffe

Requérant(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Enfant

Nom et prénom officiels :

Date de naissance :

Sexe :

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Un directeur local d'une société d'aide à l'enfance ne peut remplir la présente formule que si l'enfant a été placé en vue de son adoption par la société et que s'il a résidé au domicile du/de la ou des requérant(e)s pendant au moins 6 mois.

1. Je m'appelle (nom et prénom officiels) , et je suis
 - ☐ nommé directeur aux termes de la Loi sur les services à l'enfance et à la famille.
 - ☐ le directeur local de (raison sociale de la société d'aide à l'enfance) .
2. L'enfant, dans cette cause d'adoption : ☐ a moins de 16 ans.
☐ a moins de 18 ans et ne s'est pas soustrait à l'autorité parentale.
3. L'enfant réside au domicile du/de la ou des requérant(e)s depuis le (date) .
4. Dans l'intérêt véritable de l'enfant, je recommande ce qui suit :
 - ☐ qu'il soit passé outre à la condition de résidence et qu'une ordonnance soit rendue en vue de l'adoption de l'enfant par le/la ou les requérant(e)s.
 - ☐ que le tribunal rende une ordonnance de garde provisoire de l'enfant en faveur du/de la ou des requérant(e)s pour une période maximale d'un an aux conditions énoncées ci-dessous.
 - ☐ étant donné que l'enfant a résidé à son ou à leur domicile pendant au moins 6 mois, qu'une ordonnance soit rendue en vue de l'adoption de l'enfant par le/la ou les requérant(e)s.
 - ☐ qu'une ordonnance ne soit pas rendue en vue de l'adoption de l'enfant pour les motifs énoncés ci-dessous.
5. Le rapport sur la façon dont l'enfant s'adapte au foyer du/de la ou des requérant(e)s est joint à la présente déclaration.
6. Il ☐ n'existe aucune circonstance supplémentaire sur laquelle je désire attirer l'attention du tribunal.
☐ existe des circonstances supplémentaires, énoncées ci-dessous, sur lesquelles je désire attirer l'attention du tribunal.

Signature

Date de la signature

Lieu de la signature

AVIS AUX REQUÉRANT(E)S : Si vous n'êtes pas d'accord avec l'une ou l'autre des déclarations faites dans le présent document, vous aurez l'occasion de les contester devant le tribunal et de soumettre vos propres preuves.

Suite à la page suivante ➡

Formule 34 C : Déclaration du directeur ou du directeur local au sujet de l'adoption (page 2)

Numéro de dossier du greffe

(Indiquez les circonstances supplémentaires sur lesquelles vous désirez attirer l'attention du tribunal. Au besoin, joignez des pages supplémentaires.)

(Indiquez les conditions proposées de l'ordonnance de garde provisoire ou les raisons pour lesquelles vous recommandez de ne pas rendre d'ordonnance d'adoption. Au besoin, joignez des pages supplémentaires.)

Numéro de dossier du greffe

(Nom du tribunal)

**Formule 34D : Affidavit
du/de la requérant(e) qui
demande l'adoption**situé(e) au _____
Adresse du greffe**Requérant(e)(s)**

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Intimé(e)(s) [Remarque : Dans certaines causes d'adoption, il se peut qu'il n'y ait aucun intimé officiel.]

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Je m'appelle/nous nous appelons (nom et prénom officiels)**J'habite/nous habitons à** (municipalité et province)**et je déclare/nous déclarons sous serment/j'affirme/nous affirmons solennellement que les renseignements suivants sont véridiques :**

1. Je suis/nous sommes le/la ou les requérant(e)s qui demande/demandons l'adoption de l'enfant dans cette cause et je réside/nous résidons en Ontario.
2. Ma ou nos dates de naissance sont les suivantes : (S'il y a deux personnes, indiquez le nom à côté de la date.)
3. Mes ou nos antécédents sont les suivants : (Donnez des précisions sur votre santé, vos études, votre emploi, votre capacité de subvenir aux besoins de l'enfant et de prendre soin de lui et tout autre renseignement pertinent. Au besoin, joignez des pages supplémentaires.)

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page

Suite à la page suivante ➡

**Formule 34D : Affidavit du/de la requérant(e)
qui demande l'adoption (page 2)**

Numéro de dossier du greffe.

4. L'enfant est un résident de l'Ontario et :

- ☐ mon/notre petit-fils ou ma/notre petite-fille par le sang, le mariage ou l'adoption.
- ☐ mon/notre petit-neveu ou ma/notre petite-nièce par le sang, le mariage ou l'adoption.
- ☐ mon/notre neveu ou ma/notre nièce par le sang, le mariage ou l'adoption.
- ☐ un enfant de mon conjoint et mon beau-fils ou ma belle-fille.
- ☐ n'a aucun lien de parenté avec moi/nous.

5. L'historique de mes ou de nos rapports avec l'enfant est le suivant : (Précisez en quoi consistent vos rapports avec l'enfant. Au besoin, joignez des pages supplémentaires.)

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page

Suite à la page suivante ➡

Formule 34D : Affidavit du/de la requérant(e)
qui demande l'adoption (page 3)

Numéro de dossier du greffe.

Cochez la case applicable

6. ☐ Je suis le/la seul(e) requérant(e) pour l'adoption de cet enfant et si une ordonnance d'adoption est rendue, j'en serai le seul père ou la seule mère légitime.
- ☐ Je suis le/la seul(e) requérant(e) pour l'adoption de cet enfant. Si une ordonnance d'adoption est rendue, je me joindrai à (nom et prénom officiel du conjoint) qui est mon conjoint au sens de la partie VII de la Loi sur les services à l'enfance et à la famille et, ensemble, nous serons les seuls père et mère légitimes de l'enfant.
- ☐ Nous demandons d'adopter cet enfant conjointement à titre de conjoints au sens de la partie VII de la Loi sur les services à l'enfance et à la famille. Si une ordonnance d'adoption est rendue, nous serons les seuls père et mère légitimes de l'enfant.
7. Je comprends/nous comprenons bien le rôle particulier d'un père adoptif ou d'une mère adoptive.
8. Je n'ai/nous n'avons ou, au mieux de ma ou de notre connaissance, personne d'autre n'a fait, reçu, ni accepté de faire ou de recevoir un paiement ou une récompense de n'importe quelle sorte en ce qui concerne, selon le cas :
- a) l'adoption de l'enfant;
 - b) le placement de l'enfant en vue de son adoption;
 - c) un consentement à l'adoption de l'enfant;
 - c) des négociations entreprises ou des mesures prises dans le dessein de faire adopter l'enfant,
- à l'exclusion toutefois de ce qu'autorisent la Loi sur les services à l'enfance et à la famille et ses règlements d'application.
9. Je comprends/nous comprenons la nature et le fonctionnement du registre de divulgation des renseignements sur les adoptions de l'Ontario.
10. Je désire/nous désirons porter à l'attention du tribunal les faits supplémentaires suivants au sujet de l'intérêt véritable de l'enfant:
(Indiquez tout fait supplémentaire. Au besoin, joignez des pages supplémentaires.)

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page

Individuellement(← Biffez, s'il y a lieu)
Déclaré sous serment/Affirmé solennellement devant moi à
municipalité
à/en/au
province, État ou pays
à/en/au.
date
Commissaire aux affidavits
(Dactylographiez le nom ou écrivez-le en caractères d'imprimerie
ci-dessous si la signature est illisible.)

Signature

Signature
(La présente formule doit être signée en
présence d'un avocat, d'un juge de paix,
d'un notaire ou d'un commissaire aux
affidavits.)

Numéro de dossier du greffe

(Nom du tribunal)

situé(e) au

Adresse du greffe

Formule 34E :
Consentement du
directeur à l'adoption

Requérant(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Enfant

Nom et prénom officiels :

Date de naissance :

Sexe :

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

1. Je m'appelle (nom et prénom officiels) et je suis nommé directeur aux termes de la Loi sur les services à l'enfance et à la famille.
2. L'enfant, dans cette cause d'adoption, est devenu un pupille de la Couronne le (date) et a été confié aux soins de la (raison sociale de la société d'aide à l'enfance)
3. Aucune ordonnance de visite n'est en vigueur à l'égard de l'enfant.
4. Je consens à l'adoption de cet enfant par le ou les requérants.

Signature

Date de la signature

Lieu de la signature

Numéro de dossier du greffe

(Nom du tribunal)

situé(e) au

Adresse du greffe

.....
Formule 34F :
Consentement du père,
de la mère ou du
gardien à l'adoption

1. Je m'appelle (nom et prénom officiels)
 Je suis né(e) le (date de naissance)
 et j'habite au (adresse du domicile)
2. L'enfant dans cette cause s'appelle : (nom et prénom officiels et date de naissance)
3. Je suis le père ou la mère de l'enfant au sens de la partie VII de la *Loi sur les services à l'enfance et à la famille* parce que je suis (cochez la case appropriée ci-dessous.)

<input type="checkbox"/> la mère de l'enfant. <input type="checkbox"/> le père de l'enfant. <input type="checkbox"/> la personne qui est présumée être le père de l'enfant aux termes de l'article 8 de la <i>Loi portant réforme du droit de l'enfance</i> . <input type="checkbox"/> la personne qui a la garde légitime de l'enfant. <input type="checkbox"/> la personne qui, au cours des 12 mois avant que l'enfant ne soit placé en vue de son adoption, a manifesté l'intention bien arrêtée de traiter l'enfant comme s'il s'agissait d'un membre de sa famille. <input type="checkbox"/> la personne qui, au cours des 12 mois avant que	l'enfant ne soit placé en vue de son adoption, a reconnu le lien de filiation qui l'unit à l'enfant et a subvenu à ses besoins. <input type="checkbox"/> la personne qui est tenue de subvenir aux besoins de l'enfant, s'en est vu accorder la garde ou possède un droit de visite à son égard aux termes d'un accord écrit ou d'une ordonnance du tribunal. <input type="checkbox"/> la personne qui a reconnu le lien de filiation qui l'unit à l'enfant aux termes de l'article 12 de la <i>Loi portant réforme du droit de l'enfance</i> .
---	---
4. Je comprends la nature et l'effet du présent consentement. Je comprends que je peux le retirer dans les 21 jours en déposant un avis de retrait par écrit au bureau de la société d'aide à l'enfance situé au (adresse)
5. Je comprends que, une fois les 21 jours écoulés, je ne pourrai pas retirer le présent consentement sans la permission du tribunal, et ce seulement si mon enfant n'a pas encore été placé en vue de son adoption et que je peux prouver qu'il est dans son intérêt véritable de retirer le présent consentement.
6. Je comprends la nature d'une ordonnance d'adoption et le fait que je ne serai plus le père ou la mère de mon enfant si une telle ordonnance est rendue.
7. Je comprends que j'ai le droit de demander de savoir si une ordonnance d'adoption a été rendue à l'égard de mon enfant et d'en être avisé(e).
8. Je comprends la nature et le fonctionnement du registre de divulgation des renseignements sur les adoptions de l'Ontario et le fait que nous avons, mon enfant et moi-même, le droit d'y participer.
9. J'ai eu l'occasion de recevoir des conseils professionnels à l'égard du présent consentement.
10. J'ai reçu des conseils juridiques indépendants à l'égard du présent consentement.

Signature du père ou de la mère

Date des signatures

Signature d'un avocat indépendant

REMARQUE : Le présent consentement doit être signé en présence d'un avocat indépendant qui doit fournir ci-dessous un affidavit de témoin à la signature attestant la fourniture de conseils juridiques indépendants. Si la personne qui donne son consentement a moins de 18 ans, le consentement doit également être accompagné d'une attestation de l'avocat des enfants selon la formule 34J.

Suite à la page suivante ➡

**Formule 34F : Consentement du père, de la mère
ou du gardien à l'adoption (page 2)**

Numéro de dossier du greffe.

**AFFIDAVIT DE TÉMOIN À LA SIGNATURE ATTESTANT LA FOURNITURE DE CONSEILS
JURIDIQUES INDÉPENDANTS**

Je m'appelle (nom et prénom officiels)

et je déclare sous serment/j'affirme solennellement que les renseignements suivants sont véridiques :

1. Je suis membre du Barreau de (nom du territoire de compétence)
et je ne représente personne d'autre dans cette cause d'adoption.
2. J'ai expliqué ce qui suit à (nom et prénom officiels du père ou de la mère)
 - ☐ la nature et l'effet d'une adoption selon le droit de l'Ontario;
 - ☐ la nature et l'effet du présent consentement;
 - ☐ les circonstances dans lesquelles le présent consentement peut être retiré;
 - ☐ la nature et le fonctionnement du registre de divulgation des renseignements sur les adoptions de l'Ontario;
 - ☐ le droit de recevoir des conseils professionnels.
3. Après mon explication, la personne m'a dit qu'elle voulait signer le présent consentement.
4. J'étais présent(e) lorsque la personne a signé le présent consentement et je l'ai signé comme témoin.

 Déclaré sous serment/Affirmé solennellement devant moi à
municipalité

 à/en/au
province, État ou pays

 le
date

 Commissaire aux affidavits
(Dactylographiez le nom ou écrivez-le en caractères d'imprimerie
ci-dessous si la signature est illisible.)

Signature

 (La présente formule doit être signée
en présence d'un avocat, d'un juge
de paix, d'un notaire ou d'un com-
missaire aux affidavits.)

Numéro de dossier du greffe

(Nom du tribunal)

**Formule 34G : Affidavit du
titulaire de permis ou
de l'employé de la société**

situé(e) au _____
Adresse du greffe

Requérant(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant)	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Intimé(e)(s) [Remarque : Dans certaines causes d'adoption, il se peut qu'il n'y ait aucun intimé officiel.]

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant)	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Je m'appelle (nom et prénom officiels)

J'habite à (municipalité et province)

et je déclare sous serment/J'affirme solennellement que les renseignements suivants sont véridiques :

1. L'enfant qui est placé en vue de l'adoption s'appelle (nom et prénom officiels de l'enfant)
2. Je suis ☐ le ou la titulaire d'un permis délivré aux termes de la partie IX de la *Loi sur les services à l'enfance et à la famille* m'autorisant à placer l'enfant en vue de l'adoption.
☐ un(e) employé(e) de la (raison sociale de la société d'aide à l'enfance)
qui est autorisé à placer l'enfant en vue de l'adoption.
3. J'ai fait des recherches raisonnables pour savoir s'il existait des ordonnances de garde ou de droit de visite à l'égard de l'enfant. Au mieux de ma connaissance :
☐ il n'existe aucune ordonnance.
☐ l'ordonnance ou les ordonnances existantes sont les suivantes : (Pour chaque ordonnance, indiquez le nom du tribunal, la date de l'ordonnance, le nom du juge, le numéro de dossier du greffe et les nom et prénom officiels de la ou des personnes à qui est accordé la garde ou le droit de visite aux termes de l'ordonnance.)

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page

Suite à la page suivante ➡

**Formule 34G : Affidavit du titulaire de permis
ou de l'employé de la société (page 2)**

Numéro de dossier du greffe

4. J'ai fait des recherches raisonnables pour savoir s'il existait une personne, autre que la ou les personnes qui ont déjà déposé un consentement, qui est le «père» ou la «mère» de l'enfant au sens de la partie VII de la *Loi sur les services à l'enfance et à la famille*. Au mieux de ma connaissance :
- ☐ il n'existe pas d'autre «père» ou «mère».
 - ☐ l'autre «père» ou «mère», ou les «père et mère», sont : *(Indiquez les nom et prénom officiels et l'adresse de chaque personne ainsi que la raison pour laquelle un consentement n'est pas encore disponible.)*
5. J'ai fait des recherches raisonnables pour savoir s'il existait une autre requête en adoption à l'égard de cet enfant. Au mieux de ma connaissance :
- ☐ aucune autre requête en adoption n'a été présentée à l'égard de cet enfant.
 - ☐ les détails de l'autre ou des autres requêtes en adoption sont les suivants : *(Pour chaque requête, indiquez les nom et lieu du tribunal devant lequel la requête a été présentée, la date de la requête, les nom et prénom officiels du/de la ou des requérant(e)s et le résultat de la requête.)*
6. J'ai fait des recherches raisonnables pour savoir si la ou les personnes qui ont déposé le ou les consentements visés par la présente requête ont retiré ceux-ci ou si un tribunal les a annulés. Au mieux de ma connaissance :
- ☐ aucun consentement n'a été retiré ou annulé.
 - ☐ les détails du retrait ou de l'annulation sont les suivants : *(Précisez.)*
7. L'enfant, dans cette cause d'adoption :
- ☐ a 7 ans ou plus et je lui ai donc offert l'occasion de recevoir des conseils professionnels au sujet du consentement. Cette offre :
 - ☐ a été acceptée et l'enfant a reçu des conseils professionnels.
 - ☐ a été refusée par l'enfant.
 J'ai également veillé à ce que l'enfant reçoive des conseils juridiques indépendants de *(nom de l'avocat)*
 - ☐ a moins de 7 ans et des conseils professionnels ou des conseils juridiques indépendants ne lui ont pas été offerts.
8. J'ai offert au père ou à la mère de l'enfant, ou aux deux, l'occasion de recevoir des conseils professionnels au sujet du consentement et mon offre :
- ☐ a été acceptée par *(nom du père ou de la mère, ou des deux, qui ont accepté l'offre)* et des conseils professionnels leur ont été fournis.
 - ☐ a été refusée par *(nom du père ou de la mère, ou des deux, qui ont refusé l'offre)*

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page

Suite à la page suivante ➡

**Formule 34G : Affidavit du titulaire de permis
ou de l'employé de la société (page 3)**

Numéro de dossier du greffe

9. Le père ou la mère, ou les deux, ont reçu des conseils juridiques indépendants de (*nom de l'avocat ou des avocats*)
10. Au mieux de ma connaissance, personne n'a fait, reçu, ni accepté de faire ou de recevoir un paiement ou une récompense de n'importe quelle sorte en ce qui concerne, selon le cas :
- a) l'adoption de l'enfant;
 - b) le placement de l'enfant en vue de son adoption;
 - c) un consentement à l'adoption de l'enfant;
 - d) des négociations entreprises ou des mesures prises dans le dessein de faire adopter l'enfant,
- à l'exclusion toutefois de ce qu'autorisent la *Loi sur les services à l'enfance et à la famille* et ses règlements d'application.

Déclaré sous serment/Affirmé solennellement devant moi à
municipalité

à/en/au
province, État ou pays

le
date

Commissaire aux affidavits
(*Dactylographiez le nom ou écrivez-le en caractères d'imprimerie
ci-dessous si la signature est illisible.*)

Signature
(*La présente formule doit être signée en présence d'un avocat, d'un juge de paix, d'un notaire ou d'un commissaire aux affidavits.*)

Numéro de dossier du greffe

(Nom du tribunal)

**Formule 34H : Affidavit du
parent adoptif ou du
conjoint adoptif du père
ou de la mère**

situé(e) au _____
Adresse du greffe

Requérant(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Intimé(e)(s) [Remarque : Dans certaines causes d'adoption, il se peut qu'il n'y ait aucun intimé officiel.]

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Je m'appelle (nom et prénom officiels)

J'habite à (municipalité et province)

et je déclare sous serment/j'affirme solennellement que les renseignements suivants sont véridiques :

1. Je suis né(e) le (date de naissance)
2. L'enfant que je désire adopter s'appelle (nom et prénom officiels de l'enfant)
3. Je suis le/la requérant(e) dans cette cause d'adoption et je suis :
 - ☐ le conjoint du père ou de la mère de l'enfant.
 - ☐ l'oncle ou la tante de l'enfant par le sang, le mariage ou l'adoption.
 - ☐ le grand-père ou la grand-mère de l'enfant par le sang, le mariage ou l'adoption.
 - ☐ le grand-oncle ou la grand-tante de l'enfant par le sang, le mariage ou l'adoption.
4. J'ai fait des recherches raisonnables pour savoir s'il existait des ordonnances de garde ou de droit de visite à l'égard de l'enfant. Au mieux de ma connaissance :
 - ☐ il n'existe aucune ordonnance.
 - ☐ l'ordonnance ou les ordonnances existantes sont les suivantes : (Pour chaque ordonnance, indiquez le nom du tribunal, la date de l'ordonnance, le nom du juge, le numéro de dossier du greffe et les nom et prénom officiels de la ou des personnes à qui est accordé la garde ou le droit de visite aux termes de l'ordonnance.)

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page

Suite à la page suivante ➡

**Formule 34H : Affidavit du parent adoptif ou du conjoint
adoptif du père ou de la mère (page 2)**

Numéro de dossier du greffe

5. J'ai fait des recherches raisonnables pour savoir s'il existait une personne, autre que la ou les personnes qui ont déjà déposé un consentement, qui est le «père» ou la «mère» de l'enfant au sens de la partie VII de la *Loi sur les services à l'enfance et à la famille*. Au mieux de ma connaissance :
- ☐ il n'existe pas d'autre «père» ou «mère».
 - ☐ l'autre «père» ou «mère», ou les «père et mère», sont : *(Indiquez les nom et prénom officiels et l'adresse de chaque personne ainsi que la raison pour laquelle un consentement n'est pas encore disponible.)*
6. J'ai fait des recherches raisonnables pour savoir s'il existait une autre requête en adoption à l'égard de cet enfant. Au mieux de ma connaissance :
- ☐ aucune autre requête en adoption n'a été présentée à l'égard de cet enfant.
 - ☐ les détails de l'autre ou des autres requêtes en adoption sont les suivants : *(Pour chaque requête, indiquez les nom et lieu du tribunal devant lequel la requête a été présentée, la date de la requête, les nom et prénom officiels du/de la ou des requérant(e)s et le résultat de la requête.)*
7. J'ai fait des recherches raisonnables pour savoir si la ou les personnes qui ont déposé le ou les consentements visés par la présente requête ont retiré ceux-ci ou si un tribunal les a annulés. Au mieux de ma connaissance :
- ☐ aucun consentement n'a été retiré ou annulé.
 - ☐ les détails du retrait ou de l'annulation sont les suivants : *(Précisez.)*
8. L'enfant, dans cette cause d'adoption :
- ☐ a 7 ans ou plus et je lui ai donc offert l'occasion de recevoir des conseils professionnels au sujet du consentement. Cette offre :
 - ☐ a été acceptée et l'enfant a reçu des conseils professionnels.
 - ☐ a été refusée par l'enfant.
 J'ai également veillé à ce que l'enfant reçoive des conseils juridiques indépendants de *(nom de l'avocat)*
 - ☐ a moins de 7 ans et des conseils professionnels ou des conseils juridiques indépendants ne lui ont pas été offerts.
9. J'ai offert au père ou à la mère de l'enfant, ou aux deux, l'occasion de recevoir des conseils professionnels au sujet du consentement et mon offre :
- ☐ a été acceptée par *(nom du père ou de la mère, ou des deux, qui ont accepté l'offre)* et des conseils professionnels leur ont été fournis.
 - ☐ a été refusée par *(nom du père ou de la mère, ou des deux, qui ont refusé l'offre)*

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page

Suite à la page suivante ➡

**Formule 34H : Affidavit du parent adoptif ou du conjoint
adoptif du père ou de la mère (page 3)**

Numéro de dossier du greffe

10. J'ai également veillé à ce que le père ou la mère, ou les deux, reçoivent des conseils juridiques indépendants de (nom de l'avocat ou des avocats)
11. Au mieux de ma connaissance, personne n'a fait, reçu, ni accepté de faire ou de recevoir un paiement ou une récompense de n'importe quelle sorte en ce qui concerne, selon le cas :
- a) l'adoption de l'enfant;
 - b) le placement de l'enfant en vue de son adoption;
 - c) un consentement à l'adoption de l'enfant;
 - d) des négociations entreprises ou des mesures prises dans le dessein de faire adopter l'enfant,
- à l'exclusion toutefois de ce qu'autorisent la *Loi sur les services à l'enfance et à la famille* et ses règlements d'application.

Déclaré sous serment/Affirmé solennellement devant moi à municipalité

à/en/au province, État ou pays

le date

Commissaire aux affidavits

(Dactylographiez le nom ou écrivez-le en caractères d'imprimerie
ci-dessous si la signature est illisible.)

Signature

(La présente formule doit être signée en
présence d'un avocat, d'un juge de paix, d'un
notaire ou d'un commissaire aux affidavits.)

Numéro de dossier du greffe

(Nom du tribunal)

situé(e) au

Adresse du greffe

**Formule 341 :
Consentement du père ou
de la mère à l'adoption
par le conjoint**

Requérant(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant)

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Intimé(e)(s) [Remarque : Dans certaines causes d'adoption, il se peut qu'il n'y ait aucun intimé officiel.]

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

- Je m'appelle (*nom et prénom officiels*)
Je suis né(e) le (*date de naissance*) et j'habite
au (*adresse du domicile*)
- Le requérant est mon «conjoint» au sens de la partie VII de la *Loi sur les services à l'enfance et à la famille*.
- Je suis le père ou la mère de l'enfant au sens de la partie VII de la *Loi sur les services à l'enfance et à la famille* parce que je suis (*cochez la case appropriée ci-dessous.*)

<input type="checkbox"/> la mère de l'enfant. <input type="checkbox"/> le père de l'enfant. <input type="checkbox"/> la personne qui est présumée être le père de l'enfant aux termes de l'article 8 de la <i>Loi portant réforme du droit de l'enfance</i> . <input type="checkbox"/> la personne qui a la garde légitime de l'enfant. <input type="checkbox"/> la personne qui, au cours des 12 mois avant que l'enfant ne soit placé en vue de son adoption, a manifesté l'intention bien arrêtée de traiter l'enfant comme s'il s'agissait d'un membre de sa famille. <input type="checkbox"/> la personne qui, au cours des 12 mois avant que	l'enfant ne soit placé en vue de son adoption, a reconnu le lien de filiation qui l'unit à l'enfant et a subvenu à ses besoins. <input type="checkbox"/> la personne qui est tenue de subvenir aux besoins de l'enfant, s'en est vu accorder la garde ou possède un droit de visite à son égard aux termes d'un accord écrit ou d'une ordonnance du tribunal. <input type="checkbox"/> la personne qui a reconnu le lien de filiation qui l'unit à l'enfant aux termes de l'article 12 de la <i>Loi portant réforme du droit de l'enfance</i> .
---	---
- Je consens à l'adoption de (*nom et prénom officiels de l'enfant*) par mon conjoint.
- Je comprends la nature et l'effet du présent consentement. Je comprends que je peux le retirer dans les 21 jours en déposant un avis de retrait par écrit au bureau de la société d'aide à l'enfance situé au (*adresse*)
- Je comprends que, une fois les 21 jours écoulés, je ne pourrai pas retirer le présent consentement sans la

Suite à la page suivante ➡

**Formule 34J : Consentement du père ou de la mère à l'adoption
par le conjoint (page 2)**

Numéro de dossier du greffe

permission du tribunal, et ce seulement si mon enfant n'a pas encore été placé en vue de son adoption et que je peux prouver qu'il est dans son intérêt véritable de retirer le présent consentement.

7. Je comprends la nature d'une ordonnance d'adoption et le fait que, si une telle ordonnance était rendue, mon conjoint s e joindrait à moi dans le rôle de père ou mère et, ensemble, nous serions les seuls père et mère légitimes de l'enfant. Un e ordonnance d'adoption m'obligerait à partager mes droits et responsabilités parentaux avec mon conjoint de façon égale et en permanence jusqu'à ce qu'un tribunal n'ordonne autrement.
8. J'ai eu l'occasion de recevoir des conseils professionnels à l'égard du présent consentement.
9. J'ai reçu des conseils juridiques indépendants à l'égard du présent consentement.

Signature du père ou de la mère

Date des signatures

Signature d'un avocat indépendant

REMARQUE : Le présent consentement doit être signé en présence d'un avocat indépendant qui doit fournir ci-dessous un affidavit de témoin à la signature attestant la fourniture de conseils juridiques indépendants. Si la personne qui donne son consentement a moins de 18 ans, le consentement doit également être accompagné d'un certificat de l'avocat des enfants selon la formule 34J.

**AFFIDAVIT DE TÉMOIN À LA SIGNATURE ATTESTANT LA FOURNITURE DE CONSEILS
JURIDIQUES INDÉPENDANTS**

Je m'appelle (nom et prénom officiels)

et je déclare sous serment/j'affirme solennellement que les renseignements suivants sont véridiques :

1. Je suis membre du Barreau de (nom du territoire de compétence)
et je ne représente personne d'autre dans cette cause d'adoption.
2. J'ai expliqué ce qui suit à (nom et prénom officiels du père ou de la mère) :
 - ☐ la nature et l'effet d'une adoption selon le droit de l'Ontario;
 - ☐ la nature et l'effet du présent consentement;
 - ☐ les circonstances dans lesquelles le présent consentement peut être retiré;
 - ☐ la nature et le fonctionnement du registre de divulgation des renseignements sur les adoptions de l'Ontario;
 - ☐ le droit de recevoir des conseils professionnels.
3. Après mon explication, la personne m'a dit qu'elle voulait signer le présent consentement.
4. J'étais présent(e) lorsque la personne a signé le présent consentement et je l'ai signé comme témoin.

 Déclaré sous serment/Affirmé solennellement devant moi à
municipalité

 à/en/au
province, État ou pays

 le
date
Commissaire aux affidavits
(Dactylographiez le nom ou écrivez-le en caractères d'imprimerie
ci-dessous si la signature est illisible.)

Signature

(La présente formule doit être signée en présence d'un avocat, d'un juge de paix, d'un notaire ou d'un commissaire aux affidavits.)

Numéro de dossier du greffe

(Nom du tribunal)

situé(e) au

Adresse du greffe

Formule 34J : Affidavit de témoin à la signature attestant la fourniture de conseils juridiques indépendants (avocat des enfants)

Je m'appelle (nom et prénom officiels)

et je déclare sous serment/j'affirme solennellement que les renseignements suivants sont véridiques :

1. Je suis un(e) représentant(e) autorisé(e) du Bureau de l'avocat des enfants dans l'adoption de :

Nom et prénom officiels de l'enfant ou des enfants	Date de naissance (j,m,a)

2. J'ai expliqué ce qui suit à (nom et prénom officiels du père ou de la mère mineur)

- ☐ la nature et l'effet d'une adoption selon le droit de l'Ontario;
☐ la nature et l'effet d'un consentement à l'adoption;
☐ le droit de recevoir des conseils professionnels;
☐ la nature et le fonctionnement du registre de divulgation des renseignements sur les adoptions de l'Ontario;
☐ le droit, sur demande, d'être informé si une ordonnance d'adoption a été rendue,

dans un langage adapté à son âge au mieux de ma connaissance et de ma compétence.

3. Je lui ai également expliqué qu'il ou elle pouvait retirer son consentement dans les 21 jours au moyen d'un avis écrit à cet effet. Je lui ai donné l'adresse du bureau de la société d'aide à l'enfance où cet avis écrit devrait être déposé. Je lui ai expliqué qu'une fois les 21 jours écoulés, il ou elle ne pourrait retirer le consentement qu'avec la permission du tribunal, mais seulement si l'enfant n'avait pas encore été adopté et qu'il ou elle pouvait convaincre le tribunal qu'il serait dans l'intérêt véritable de l'enfant de retirer le consentement.

4. Après mon explication, la personne m'a dit qu'elle voulait signer le consentement à l'adoption.

5. J'étais présent(e) lorsque la personne a signé le consentement et je l'ai signé comme témoin.

Déclaré sous serment/Affirmé solennellement devant moi à
municipalité

à/en/au
province, État ou pays

le
date

Commissaire aux affidavits

(Dactylographiez le nom ou écrivez-le en caractères d'imprimerie
 ci-dessous si la signature est illisible.)

Signature

(La présente formule doit être signée en présence d'un avocat, d'un juge de paix, d'un notaire ou d'un commissaire aux affidavits.)

Numéro de dossier du greffe

(Nom du tribunal)

Formule 34K : Attestation
du greffier (adoption)

at

Adresse du greffe

Requérant(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).
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Intimé(e)(s) [Remarque : Dans certaines causes d'adoption, il se peut qu'il n'y ait aucun intimé officiel.]

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).
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Si la case de gauche ne peut être cochée, cochez celle de droite et expliquez pourquoi.

Le greffier du tribunal atteste ce qui suit :

Raison

1. DOCUMENTS COMMUNS À TOUTES LES CAUSES D'ADOPTION

- | | |
|---|------------------------------|
| a) <input type="checkbox"/> Une requête en adoption (formule 8D des Règles en matière de droit de la famille) a été déposée. | 1a) <input type="checkbox"/> |
| b) <input type="checkbox"/> Une copie certifiée conforme de la déclaration de naissance vivante a été déposée (formule 2 du règlement d'application de la <i>Loi sur les statistiques de l'état civil</i>). | 1b) <input type="checkbox"/> |
| <input type="checkbox"/> Une copie certifiée conforme de changement de l'enregistrement de naissance a été déposée (formule 2 du règlement d'application de la <i>Loi sur les statistiques de l'état civil</i>). | |
| <input type="checkbox"/> Une preuve équivalente des détails de la naissance a été déposée. | |
| c) <input type="checkbox"/> La personne à adopter a 7 ans ou plus et a déposé un consentement à l'adoption (formule 34 des Règles en matière de droit de la famille). | 1c) <input type="checkbox"/> |
| <input type="checkbox"/> Une ordonnance du tribunal dispensant du consentement de la personne à adopter a été déposée. | |
| d) <input type="checkbox"/> Un affidavit de filiation a été déposé (formule 34A des Règles en matière de droit de la famille). | 1d) <input type="checkbox"/> |
| <input type="checkbox"/> Une autre preuve de filiation a été déposée. | |
| e) <input type="checkbox"/> Un rapport sur la façon dont l'enfant s'adapte au domicile du/de la requérant(e) : | 1e) <input type="checkbox"/> |
| <input type="checkbox"/> est exigé par la Loi (lorsque l'enfant a été « placé » en vue de son adoption par l'intermédiaire du titulaire d'un permis, d'une société ou autrement). Ce rapport a été déposé. | |
| <input type="checkbox"/> a été ordonné par le tribunal dans le cas d'une adoption par le conjoint du père ou de la mère ou par un parent. Ce rapport a été déposé. | |
| <input type="checkbox"/> n'a pas été exigé dans cette cause. | |

Suite à la page suivante ➡

Formule 34K : Attestation du greffier (adoption) (page 2)

Numéro de dossier du greffe

Raison

- | | | | |
|----|---|-----|--------------------------|
| f) | <input type="checkbox"/> Le requérant a un «conjoint» qui n'est pas un «père» ou une «mère» et qui n'est pas partie à la requête. Le consentement du conjoint (formule 34B des Règles en matière de droit de la famille) a été déposé.
<input type="checkbox"/> Une ordonnance du tribunal dispensant du consentement du conjoint a été déposée, accompagnée de ce qui suit :
(i) <input type="checkbox"/> une preuve de signification de cette ordonnance.
(ii) <input type="checkbox"/> a une copie certifiée conforme d'une ordonnance dispensant de la signification. | 1f) | <input type="checkbox"/> |
| g) | <input type="checkbox"/> La déclaration (recommandations à l'appui) du directeur ou du directeur local au sujet de l'adoption (formule 34C des Règles en matière de droit de la famille) :
<input type="checkbox"/> est exigée par la Loi (lorsque l'enfant a été «placé» en vue de son adoption par l'intermédiaire du titulaire d'un permis, d'une société ou autrement). Cette déclaration a été déposée.
<input type="checkbox"/> a été ordonnée par le tribunal dans le cas d'une adoption par le conjoint du père ou de la mère ou par un parent. Cette déclaration a été déposée.
<input type="checkbox"/> n'a pas été exigée dans cette cause. | 1g) | <input type="checkbox"/> |
| h) | <input type="checkbox"/> L'affidavit du père adoptif ou de la mère adoptive (formule 34D des Règles en matière de droit de la famille) a été déposé. | 1h) | <input type="checkbox"/> |
| i) | <input type="checkbox"/> Un projet d'ordonnance d'adoption (formule 25C des Règles en matière de droit de la famille) a été déposé. | 1i) | <input type="checkbox"/> |
| j) | <input type="checkbox"/> Il s'agit d'une requête conjointe des conjoints et :
(i) <input type="checkbox"/> un certificat du mariage des requérants a été déposé.
(ii) <input type="checkbox"/> une autre preuve du statut conjugal des requérants a été déposée. | 1j) | <input type="checkbox"/> |
| k) | <input type="checkbox"/> (Autre. Précisez.) | 1k) | <input type="checkbox"/> |
2. DOCUMENTS SUPPLÉMENTAIRES À L'APPUI DES ADOPTIONS DE PUPILLES DE LA COURONNE
- | | | | |
|----|---|-----|--------------------------|
| a) | <input type="checkbox"/> Le consentement du directeur à l'adoption (formule 34E des Règles en matière de droit de la famille) a été déposé. | 2a) | <input type="checkbox"/> |
| b) | <input type="checkbox"/> Il n'existe aucune ordonnance de visite à l'égard de ce pupille de la Couronne.
<input type="checkbox"/> Une copie certifiée conforme d'une ordonnance mettant fin au droit de visite à ce pupille de la Couronne a été déposée, accompagnée de ce qui suit :
(i) <input type="checkbox"/> une preuve de signification de cette ordonnance.
(ii) <input type="checkbox"/> une copie certifiée conforme d'une ordonnance dispensant de la signification. | 2b) | <input type="checkbox"/> |
| c) | <input type="checkbox"/> Une copie certifiée conforme de l'ordonnance de tutelle par la Couronne a été déposée, accompagnée de ce qui suit :
(i) <input type="checkbox"/> une preuve de signification de cette ordonnance.
(ii) <input type="checkbox"/> une copie certifiée conforme d'une ordonnance dispensant de la signification. | 2c) | <input type="checkbox"/> |
| d) | <input type="checkbox"/> Un affidavit du directeur local a été déposé, selon lequel aucun appel des ordonnances mentionnées aux alinéas b) et c) ci-dessus n'a été interjeté ou selon lequel le délai d'appel a expiré. | 2d) | <input type="checkbox"/> |
| e) | <input type="checkbox"/> (Autre. Précisez.) | 2e) | <input type="checkbox"/> |
3. DOCUMENTS SUPPLÉMENTAIRES À L'APPUI DE L'ADOPTION D'UN ENFANT AUTRE QU'UN PUPILLE PAR L'INTERMÉDIAIRE D'UN TITULAIRE DE PERMIS OU D'UNE SOCIÉTÉ
- | | | | |
|----|--|-----|--------------------------|
| a) | <input type="checkbox"/> L'enfant a été placé par la société d'aide à l'enfance.
<input type="checkbox"/> L'enfant a été placé par un titulaire de permis dans le délai prévu par son permis, dont une copie a été déposée. | 3a) | <input type="checkbox"/> |
| b) | <input type="checkbox"/> Un affidavit (formule 34G des Règles en matière de droit de la famille) du titulaire de permis ou d'un employé autorisé de la société d'aide à l'enfance a été déposé. | 3b) | <input type="checkbox"/> |

Suite à la page suivante ➡

Formule 34K : Attestation du greffier (adoption) (page 3)

Numéro de dossier du greffe

		Raison
c)	<input type="checkbox"/> La personne qui dépose l'affidavit n'a connaissance d'aucune ordonnance de garde ou de visite à l'égard de l'enfant. <input type="checkbox"/> Une copie certifiée conforme de l'ordonnance ou des ordonnances de garde ou de visite à l'égard de l'enfant a été déposée, accompagnée de ce qui suit : (i) <input type="checkbox"/> une preuve de signification de cette ordonnance. (ii) <input type="checkbox"/> une copie certifiée conforme d'une ordonnance dispensant de la signification.	3c) <input type="checkbox"/>
d)	<input type="checkbox"/> Un consentement (formule 34F des Règles en matière de droit de la famille) de la mère de l'enfant à l'adoption a été déposé. <input type="checkbox"/> Le consentement, signé par la mère lorsqu'elle avait moins de 18 ans, est accompagné d'une attestation de l'avocat des enfants (formule 34J des Règles en matière de droit de la famille). <input type="checkbox"/> La mère de l'enfant a déposé une formule de consentement émanant de l'extérieur de l'Ontario qui est accompagnée de ce qui suit : (i) <input type="checkbox"/> une traduction certifiée conforme du document en français ou en anglais. (ii) <input type="checkbox"/> un affidavit d'un avocat indiquant que le consentement de la mère est conforme aux lois du territoire où elle l'a donné. <input type="checkbox"/> Une copie certifiée conforme d'une ordonnance dispensant du consentement de la mère a été déposée, accompagnée d'une preuve de signification de l'ordonnance.	3d) <input type="checkbox"/>
e)	<input type="checkbox"/> Un consentement (formule 34F des Règles en matière de droit de la famille) du père biologique de l'enfant à l'adoption a été déposé. <input type="checkbox"/> Le consentement, signé par le père lorsqu'il avait moins de 18 ans, est accompagné d'une attestation de l'avocat des enfants (formule 34J des Règles en matière de droit de la famille). <input type="checkbox"/> Le père biologique de l'enfant a déposé une formule de consentement émanant de l'extérieur de l'Ontario qui est accompagnée de ce qui suit : (i) <input type="checkbox"/> une traduction certifiée conforme du document en français ou en anglais. (ii) <input type="checkbox"/> un affidavit d'un avocat indiquant que le consentement du père biologique est conforme aux lois du territoire où il l'a donné. <input type="checkbox"/> Une copie certifiée conforme d'une ordonnance dispensant du consentement du père biologique a été déposée, accompagnée d'une preuve de signification de l'ordonnance. <input type="checkbox"/> Le tribunal a décidé que le père biologique n'a pas la qualité de «père» au sens de la partie VII de la <i>Loi sur les services à l'enfance et à la famille</i> .	3e) <input type="checkbox"/>
f)	<input type="checkbox"/> Un consentement (formule 34F des Règles en matière de droit de la famille) à l'adoption de toute autre personne qui est un «père» ou une «mère» au sens de la partie VII de la <i>Loi sur les services à l'enfance et à la famille</i> a été déposé. <input type="checkbox"/> Le consentement, signé par l'autre «père» ou «mère» lorsqu'il ou elle avait moins de 18 ans, est accompagné d'une attestation de l'avocat des enfants (formule 34J des Règles en matière de droit de la famille). <input type="checkbox"/> L'autre «père» ou «mère» a déposé une formule de consentement émanant de l'extérieur de l'Ontario qui est accompagnée de ce qui suit : (i) <input type="checkbox"/> une traduction certifiée conforme du document en français ou en anglais. (ii) <input type="checkbox"/> un affidavit d'un avocat indiquant que le consentement de l'autre «père» ou «mère» est conforme aux lois du territoire où il ou elle l'a donné. <input type="checkbox"/> Une copie certifiée conforme d'une ordonnance dispensant du consentement de l'autre «père» ou «mère» a été déposée, accompagnée d'une preuve de signification de l'ordonnance.	3f) <input type="checkbox"/>
g)	<input type="checkbox"/> (Autre. Précisez.)	3g) <input type="checkbox"/>

4. DOCUMENTS SUPPLÉMENTAIRES À L'APPUI D'UNE ADOPTION PAR UN PARENT OU PAR LE CONJOINT DU PÈRE OU DE LA MÈRE

- a) ☐ Aucune ordonnance de garde ou de visite n'a été rendue à l'égard de l'enfant. 4a) ☐
- ☐ Une copie certifiée conforme de l'ordonnance ou des ordonnances de garde ou de visite à l'égard de l'enfant a été déposée, accompagnée de ce qui suit :
- (i) ☐ une preuve de signification de cette ordonnance.
- (ii) ☐ une copie certifiée conforme d'une ordonnance dispensant de la signification.

Suite à la page suivante ➡

Formule 34K : Attestation du greffier (adoption) (page 4)

Numéro de dossier du greffe

		<i>Raison</i>
b)	<input type="checkbox"/> Un consentement (formule 34F des Règles en matière de droit de la famille) de la mère de l'enfant à l'adoption a été déposé. <input type="checkbox"/> Le consentement, signé par la mère lorsqu'elle avait moins de 18 ans, est accompagné d'une attestation de l'avocat des enfants (formule 34J des Règles en matière de droit de la famille). <input type="checkbox"/> La mère de l'enfant a déposé une formule de consentement émanant de l'extérieur de l'Ontario qui est accompagnée de ce qui suit : (i) <input type="checkbox"/> une traduction certifiée conforme du document en français ou en anglais. (ii) <input type="checkbox"/> un affidavit d'un avocat indiquant que le consentement de la mère est conforme aux lois du territoire où elle l'a donné. <input type="checkbox"/> Une copie certifiée conforme d'une ordonnance dispensant du consentement de la mère a été déposée, accompagnée d'une preuve de signification de l'ordonnance.	4b) <input type="checkbox"/>
c)	<input type="checkbox"/> Un consentement (formule 34F des Règles en matière de droit de la famille) du père biologique de l'enfant à l'adoption a été déposé. <input type="checkbox"/> Le consentement, signé par le père lorsqu'il avait moins de 18 ans, est accompagné d'une attestation de l'avocat des enfants (formule 34J des Règles en matière de droit de la famille). <input type="checkbox"/> Le père biologique de l'enfant a déposé une formule de consentement émanant de l'extérieur de l'Ontario qui est accompagnée de ce qui suit : (i) <input type="checkbox"/> une traduction certifiée conforme du document en français ou en anglais. (ii) <input type="checkbox"/> un affidavit d'un avocat indiquant que le consentement du père biologique est conforme aux lois du territoire où il l'a donné. <input type="checkbox"/> Une copie certifiée conforme d'une ordonnance dispensant du consentement du père biologique, accompagnée d'une preuve de signification de l'ordonnance. <input type="checkbox"/> Le tribunal a décidé que le père biologique n'a pas la qualité de «père» au sens de la partie VII de la <i>Loi sur les services à l'enfance et à la famille</i> .	4c) <input type="checkbox"/>
d)	<input type="checkbox"/> Un consentement (formule 34F des Règles en matière de droit de la famille) à l'adoption de toute autre personne qui est un «père» ou une «mère» au sens de la partie VII de la <i>Loi sur les services à l'enfance et à la famille</i> a été déposé. <input type="checkbox"/> Le consentement, signé par l'autre «père» ou «mère» lorsqu'il ou elle avait moins de 18 ans, est accompagné d'une attestation de l'avocat des enfants (formule 34J des Règles en matière de droit de la famille). <input type="checkbox"/> L'autre «père» ou «mère» a déposé une formule de consentement émanant de l'extérieur de l'Ontario qui est accompagnée de ce qui suit : (i) <input type="checkbox"/> une traduction certifiée conforme du document en français ou en anglais. (ii) <input type="checkbox"/> un affidavit d'un avocat indiquant que le consentement de l'autre «père» ou «mère» est conforme aux lois du territoire où il ou elle l'a donné. <input type="checkbox"/> Une copie certifiée conforme d'une ordonnance dispensant du consentement de l'autre «père» ou «mère» a été déposée, accompagnée d'une preuve de signification de l'ordonnance.	4d) <input type="checkbox"/>
e)	<input type="checkbox"/> L'affidavit (formule 34H des Règles en matière de droit de la famille) du conjoint du père ou de la mère ou de chaque parent adoptif a été déposé.	4e) <input type="checkbox"/>
f)	<input type="checkbox"/> Il s'agit d'une adoption par le conjoint du père ou de la mère et le conjoint du père adoptif ou de la mère adoptive a déposé un consentement (formule 34I des Règles en matière de droit de la famille).	4f) <input type="checkbox"/>
g)	<input type="checkbox"/> (Autre. Précisez.)	4g) <input type="checkbox"/>

Signature du greffier du tribunal

Date de la signature

Numéro de dossier du greffe

(Nom du tribunal)

**Formule 36 :
Affidavit de divorce**

situé(e) au

Adresse du greffe

Requérant(e)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Intimé(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Je m'appelle (nom et prénom officiels)

J'habite à (municipalité et province)

et je déclare sous serment/j'affirme solennellement que les renseignements suivants sont véridiques :

1. Je suis le/la requérant(e) dans cette cause de divorce.
2. Il n'existe aucune possibilité de réconciliation entre l'intimé(e) et moi-même.
3. Tous les renseignements contenus dans la requête qui fait l'objet de cette cause sont exacts, à l'exception de ce qui suit :
(Indiquez les corrections ou modifications apporter aux renseignements. Écrivez «AUCUNE» s'il n'y a pas de correction ou de modification à apporter.)
4. ☐ Le certificat ou l'enregistrement de mon mariage avec l'intimé(e) porte la signature et le sceau du registraire général de l'état civil de l'Ontario et :
 - ☐ a été déposé avec la requête.
 - ☐ est joint au présent affidavit.
 - ☐ Le certificat de mon mariage avec l'intimé(e) a été délivré à l'extérieur de l'Ontario. Il est intitulé (titre du certificat) Il a été délivré à (lieu) le (date) par (nom et titre de la personne qui l'a délivré) et les renseignements qu'il contient sur mon mariage sont exacts.
 - ☐ Je n'ai pas réussi à obtenir de certificat de mariage ou d'enregistrement de mariage. J'ai marié l'intimé(e) le (date) à (lieu) Le mariage a été célébré par (nom et titre) , qui était autorisé à célébrer les mariages à cet endroit.
5. Le fondement juridique du divorce est le suivant :
 - ☐ l'intimé(e) et moi-même sommes séparés depuis au moins un an. Nous nous sommes séparés le (date)
 - ☐ (Autre. Précisez.)

Suite à la page suivante ➡

Formule 36 : Affidavit de divorce (page 2)

Numéro de dossier du greffe

6. Je ne suis pas au courant, dans cette cause de divorce, ni n'y suis une partie, d'un arrangement visant à fabriquer ou à supprimer des éléments de preuve ou à tromper le tribunal.

Biffez les points suivants s'ils ne s'appliquent pas

7. Je ne désire pas présenter de demande de partage des biens dans cette cause de divorce. Je comprends que je pourrais ne pas être autorisé(e) à en présenter une après le divorce.
8. Je désire que l'ordonnance de divorce comprenne les numéros de disposition suivants du consentement, du règlement amiable, de l'accord de séparation ou de l'ordonnance antérieure du tribunal qui est ci-joint : *(Indiquez les numéros des dispositions que vous désirez voir inclure dans l'ordonnance de divorce.)*

9. Les (nombre) enfants suivants sont issus du mariage :

Nom et prénom officiels de l'enfant	Date de naissance (j,m,a)

10. Les arrangements quant à la garde et au droit de visite sont les suivants : *(Résumez.)*

.....

.....

.....

.....

.....

.....

.....

11. Voici les arrangements qui ont été pris en ce qui concerne les aliments pour les enfants issus du mariage :

- a) Le revenu de la partie qui verse les aliments est de \$ par année.
- b) Les aliments son censés être versés pour (nombre) enfants.
- c) La somme qui devrait être versée selon l'adable applicable des lignes directrices sur les aliments pour les enfants est de \$ par mois.
- d) La somme qui est effectivement versée est de \$ par mois.
- (REMARQUE : Si les sommes qui figurent aux points c) et d) sont différentes, veuillez remplir la page suivante. Si elles sont les mêmes, passez directement au point 12.)*

Suite à la page suivante ➡

Formule 36 : Affidavit de divorce (page 3)

Numéro de dossier du greffe

(Suite du point 11)

Donnez les renseignements ci-dessous uniquement si les sommes qui figurent aux points 11 c) et 11 d) sont différentes. Si elles sont les mêmes, passez directement au point 12.

- a) Les aliments pour les enfants son déjà prévus par :
- (i) ☐ une ordonnance du tribunal datée du (date) qui a été rendue avant l'entrée en vigueur des lignes directrices sur les aliments pour les enfants, c'est-à-dire avant le 1^{er} mai 1997. Je joins une copie de l'ordonnance.
 - (ii) ☐ un contrat familial daté du (date) qui a été conclu avant l'entrée en vigueur des lignes directrices sur les aliments pour les enfants, c'est-à-dire avant le 1^{er} mai 1997. Je joins une copie du contrat.
 - (iii) ☐ une ordonnance du tribunal ou un accord écrit daté du (date) qui a été rendue ou conclu, selon le cas, après l'entrée en vigueur des lignes directrices et qui comporte certains avantages directs ou indirects pour les enfants. J'en joins une copie.
 - (iv) ☐ un consentement écrit daté du (date) par lequel les parties se sont entendues sur une somme différente de celle qui figure dans les lignes directrices.
- b) Les dispositions pertinentes de cette ordonnance ou de cet accord exigent des aliments pour les enfants de \$ par
- c) Ces dispositions relatives aux aliments pour les enfants
- ☐ ne sont pas indexées au coût de la vie.
 - ☐ sont indexées selon (Indiquez la formule d'indexation.)
- d) Ces dispositions relatives aux aliments pour les enfants
- ☐ n'ont pas été modifiées depuis que l'ordonnance a été rendue ou que l'accord a été conclu.
 - ☐ ont été modifiées le (Indiquez la date et la nature des changements.)
- e) (Si vous avez coché la case (i) ci-dessus, passez au point 12. Si vous avez coché la case (ii), (iii) ou (iv), donnez les précisions demandées à la case correspondante ci-dessous. Par exemple, si vous avez coché la case (iii), veuillez donner les précisions demandées à côté de la case (iii) ci-dessous.)
- (ii) ☐ La somme que prévoit l'accord constitue un arrangement juste et raisonnable pour les enfants parce que : (Donnez les raisons.)
 - (iii) ☐ L'ordonnance ou l'accord comporte des avantages directs ou indirects pour les enfants parce que : (Précisez les avantages.)
 - (iv) ☐ La somme sur laquelle les parties se sont entendues est raisonnable pour les enfants parce que : (Donnez les raisons.)

Suite à la page suivante ➡

Formule 36 : Affidavit de divorce (page 4)

Numéro de dossier du greffe

12. Je demande mes dépens dans cette cause. Les précisions sur cette demande sont les suivantes : *(Précisez.)*13. La dernière adresse de l'intimé(e), à ma connaissance, est la suivante : *(Indiquez l'adresse.)*

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page

Déclaré devant moi à
municipalitéà/en/au
province, État ou paysle
date
Commissaire aux affidavits
*(Dactylographiez le nom ou écrivez-le en caractères d'imprimerie
ci-dessous si la signature est illisible.)*

Signature

(La présente formule doit être signée en présence d'un avocat, d'un juge de paix, d'un notaire ou d'un commissaire aux affidavits.)

Numéro de dossier du greffe

(Nom du tribunal)

**Formule 36A : Attestation
du greffier (divorce)**

situé(e) au

Adresse du greffe

Nom de famille

du/de la requérant(e) :

Nom de famille

de l'intimé(e) :

Si la case de gauche ne peut être cochée, cochez celle de droite et expliquez pourquoi.

Le greffier du tribunal atteste ce qui suit :

Cochez s'il y a lieu et remplissez le
reste de l'attestation comme si le
divorce avait été demandé par le/la
requérant(e).

☐ Divorce demandé seulement par l'intimé(e).

Raison

1. RENSEIGNEMENTS PRÉLIMINAIRES

- a) ☐ Aucune défense n'a été déposée
☐ La défense a été retirée — Onglet ou page numéro du dossier continu
☐ Une ordonnance a été rendue le (date), conformément
au paragraphe 12 (6), séparant la question du divorce du reste de la cause — Onglet ou page
numéro. du dossier continu
☐ La défense a été radiée par une ordonnance datée du
— Onglet ou page numéro du dossier continu
☐ Requête conjointe — aucun(e) intimé(e) officiel(le)
b) ☐ Certificat de mise à jour du Bureau d'enregistrement des actions en divorce

1a) ☐1b) ☐**2. PREUVE DE SIGNIFICATION**

- ☐ Affidavit de signification
☐ Dépôt d'un accusé de réception signé de la signification
☐ Requête conjointe — aucune signification nécessaire

2 ☐**3. MODE DE SIGNIFICATION**

- ☐ Copie remise au destinataire
☐ Copie remise à l'avocat du destinataire
☐ Copie envoyée par la poste au destinataire et accusé de réception signé par lui
☐ Copie remise à un résident adulte du domicile du destinataire et autre copie envoyée par la
poste
☐ Accusé de réception de la signification signé et déposé
☐ (Autre. Précisez.)
La signification s'est faite à/en/au (province ou pays)
La signification a eu lieu le (date)

3 ☐**4. MOTIFS DE DIVORCE**

- ☐ Séparation depuis le (date), affidavit
fait sous serment plus d'un an après la séparation.
☐ Adultère
☐ Cruauté

4 ☐**5. RÉSIDENCE EN ONTARIO**

Il devrait être indiqué dans la requête qu'au moins un conjoint doit avoir été un résident de l'Ontario pendant au
moins un an

- ☐ L'épouse réside en Ontario depuis le (date)
☐ L'époux réside en Ontario depuis le (date)

5 ☐**6. DEMANDES DE REDRESSEMENT**

- ☐ Demande de divorce seulement
☐ Demande d'aliments pour les enfants [précisions au point 9 ci-dessous]
☐ Demande de garde ou de droit de visite — précisions dans la requête
☐ Demande d'aliments pour le conjoint — précisions dans la requête

6 ☐

Suite à la page suivante ➡

Formule 36A : Attestation du greffier (divorce) (page 2)

Numéro de dossier du greffe

Raison

- ☐ Demande portant sur des biens — précisions dans la requête
- ☐ Demande d'inclusion de dispositions d'un consentement, d'un accord ou d'une ordonnance antérieure du tribunal — précisions dans la requête
- ☐ costs

7. PREUVE DE MARIAGE

7 ☐

- Le mariage a eu lieu ☐ au Canada ☐ à l'étranger
- ☐ Certificat ou enregistrement de mariage déposé — les renseignements concordent avec ceux figurant dans la requête — Onglet ou page numéro du dossier continu
 - ☐ Aucun certificat — les renseignements sur le mariage sont énoncés dans un affidavit - Onglet ou page numéro du dossier continu
 - ☐ Certificat antérieur de divorce ou de décès déposé — Onglet ou page numéro du dossier continu

8. AFFIDAVITS

8 ☐

- ☐ Affidavit du/de la requérant(e) — Onglet ou page numéro du dossier continu
- ☐ Affidavit de l'intimé(e) — Onglet ou page numéro du dossier continu
- ☐ Affidavit de (nom)
— Onglet ou page numéro du dossier continu
- ☐ L'affidavit est conforme à la formule 35 et est dûment rempli — Onglet ou page numéro du dossier continu

9. ENFANTS

9 ☐

- ☐ Aucun enfant n'est issu du mariage
- ☐ Des enfants sont issus du mariage
- ☐ Renseignements fournis concernant les lignes directrices sur les aliments pour les enfants — Onglet ou page numéro du dossier continu
 - ☐ revenu du payeur ou de la payeuse
 - ☐ montant figurant à la table
 - ☐ revenu du/de la bénéficiaire [EX/GÉ pour les dépenses spéciales (suppléments), la garde exclusive, la garde partagée, les cas où le payeur ou la payeuse est le conjoint du père ou de la mère, où l'enfant a plus de 18 ans, où le revenu du payeur ou de la payeuse est supérieur à 150 000 \$, une demande pour difficultés excessives]
 - ☐ précisions sur les dépenses spéciales (suppléments)
 - ☐ accord ou consentement avec une explication de la demande d'un montant inférieur à celui prévu à la table

10. PROJET D'ORDONNANCE

10 ☐

Les documents suivants ont été déposés :

- ☐ 3 copies du projet d'ordonnance — aucune demande d'aliments
- ☐ 4 copies du projet d'ordonnance + 2 projets d'ordonnance de retenue des aliments — demande d'aliments
- ☐ Enveloppe affranchie pour chaque partie
- ☐ L'adresse aux fins de signification de l'ordonnance à l'intimé(e) est la même que celle figurant :
 - ☐ dans la requête
 - ☐ dans les documents déposés par l'intimé(e)
 - ☐ dans l'affidavit du/de la requérant(e)
- ☐ Projet d'ordonnance libellé comme la requête
- ☐ Projet d'ordonnance libellé comme le consentement, le procès-verbal du règlement amiable ou l'accord déposé — Onglet ou page numéro du dossier continu
- ☐ Demande de prise d'effet anticipée du divorce; dépôt d'accords et d'engagements de non-interjection d'appel — Onglet ou page numéro du dossier continu

Formule 36A : Attestation du greffier (divorce) (page 3)

Numéro de dossier du greffe

Raison

11. AVIS AU/À LA REQUÉRANT(E)11 ☐

- ☐ Le/La requérant(e) a été avisé(e) des raisons énumérées ci-dessus, mais demande à présenter des pièces au juge malgré elles.

*Signature du greffier du tribunal*_____
Date de la signature



_____ Numéro de dossier du greffe

 (Nom du tribunal)

 situé(e) au _____

 Adresse du greffe

.....
Formule 36B :
Certificat de divorce

Requérant(e)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).
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Intimé(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).
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J'ATTESTE QUE le mariage de (nom et prénom officiels des conjoints)

qui a été célébré à (lieu)

le (date)

a été dissous par une ordonnance que ce tribunal a rendue le (date de l'ordonnance de divorce)

Le divorce a pris effet le (date de prise d'effet de l'ordonnance)

 Signature du greffier du tribunal

 Date de la signature

REMARQUE : Le présent certificat ne peut être délivré qu'à la date de prise d'effet du divorce ou après cette date.



(Nom du tribunal)

at _____
Adresse du greffe

Numéro de dossier du greffe _____

**Formule 37 : Avis
d'audience
d'homoïogation**

Requérant(e)(s)

<p><i>Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i></p>	<p><i>Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i></p>
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Intimé(e)(s)

<p><i>Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i></p>	<p><i>Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i></p>
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AUX INTIMÉ(E)S :

LE TRIBUNAL TIENDRA UNE AUDIENCE le (date)
à (heure), ou dès que possible par la suite, au (lieu de l'audience)

☐ Une ordonnance ☐ Une modification d'une ordonnance conditionnelle

a été rendue contre vous ☐ ailleurs en Ontario ☐ à l'extérieur de l'Ontario
exigeant que vous payiez des aliments. Les précisions sont données dans les documents ci-joints.

Dans les 10 jours qui suivent la réception du présent avis, vous devez remplir un état financier (formule 13) et le déposer au greffe.

À l'audience, le tribunal homologuera l'ordonnance conditionnelle à moins que vous ne le convainquez qu'elle ne devrait pas l'être ou qu'elle devrait l'être selon un montant différent. Vous pouvez vous présenter au tribunal avec votre avocat.

SI VOUS NE VOUS PRÉSENTEZ PAS À L'AUDIENCE, LE TRIBUNAL PEUT HOMOLOGUER L'ORDONNANCE CONDITIONNELLE SANS VOUS ET L'EXÉCUTER CONTRE VOUS.

Signature du greffier du tribunal

Date de la signature

REMARQUE : Si l'ordonnance conditionnelle a été rendue ailleurs en Ontario, une copie de la requête devrait être jointe au présent avis, ainsi qu'une copie de l'état financier du/de la requérant(e), une copie de l'ordonnance conditionnelle et une copie de la transcription du témoignage du/de la requérant(e). Devrait également être joint au présent avis un exemplaire de la formule 13 (État financier), que vous devez remplir, signifier et déposer. Vous pouvez effectuer la signification par n'importe laquelle des méthodes énoncées à la règle 6 des Règles en matière de droit de la famille, y compris par la poste, par messagerie et par télécopie.

Si l'un ou l'autre de ces documents n'est pas joint comme il se doit, communiquez avec le greffe le plus tôt possible.



_____ Numéro de dossier du greffe

 (Nom du tribunal)

 situé(e) au _____

 Adresse du greffe

.....
**Formule 37A : Feuille
 de renseignements
 (audience
 d'homologation)**

Requérant(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Intimé(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).	Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

AUX REQUÉRANT(E)S :

Un avis d'audience d'homologation a été signifié à l'intimé(e) ou aux intimé(e)s.

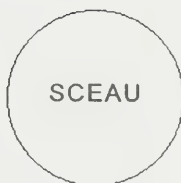
A Une copie de cet avis est jointe à la présente feuille. Elle vous est envoyée À TITRE DE RENSEIGNEMENT SEULEMENT.

VOUS N'AVEZ PAS À VOUS PRÉSENTER À L'AUDIENCE D'HOMOLOGATION OU À VOUS Y FAIRE REPRÉSENTER PAR UN AVOCAT.

Vous serez avisé(e)s des résultats de l'audience par l'intermédiaire du greffe de votre région. Si vous avez des questions, communiquez avec votre avocat ou le greffe de votre région.

 Signature du greffier du tribunal

 Date de la signature



(Nom du tribunal)

Numéro de dossier du greffe

situé(e) au _____
Adresse du greffe

.....
**Formule 37B : Avis
de demande de
preuves
additionnelles**

Requérant(e)(s)

<p><i>Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i></p>	<p><i>Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i></p>
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Intimé(e)(s)

<p><i>Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i></p>	<p><i>Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i></p>
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AUX REQUÉRANT(E)S :

LE TRIBUNAL TIENDRA UNE AUDIENCE le (date)
à (heure), ou dès que possible par la suite, au (lieu de l'audience)

- ☐ L'ordonnance conditionnelle dans cette cause
- ☐ La modification de l'ordonnance conditionnelle rendue par (nom du tribunal d'homologation)
le (date)
a été portée devant un juge du/de la (nom du tribunal)
- ☐ L'intimé(e) a présenté au/à la (nom du tribunal)
une requête en modification de l'ordonnance rendue le (date)
par le/la (nom du tribunal)

Cet autre tribunal a décidé de vous donner l'occasion de présenter d'autres preuves et a en conséquence renvoyé cette cause à ce tribunal. Les précisions sont données dans les documents ci-joints.

Si vous désirez : ☐ poursuivre votre demande d'aliments ou de modification d'aliments
☐ contester, en totalité ou en partie, la demande de modification de l'intimé(e)
vous devriez vous présenter à l'audience et y donner les preuves pertinentes. Vous pouvez vous faire accompagner par votre avocat.

SI VOUS NE VOUS PRÉSENTEZ PAS À L'AUDIENCE, LE TRIBUNAL PEUT :

- ☐ ANNULER L'ORDONNANCE CONDITIONNELLE OU LA MODIFICATION SANS VOUS.
☐ EXAMINER LA DEMANDE DE MODIFICATION DE L'INTIMÉ(E) SANS VOUS.

Signature du greffier du tribunal

Date de la signature

REMARQUE : Une copie de la preuve de l'intimé(e) et une copie des motifs qu'a le tribunal pour demander de nouvelles preuves devraient être jointes au présent avis. Si l'une ou l'autre ne l'est pas, communiquez avec le greffe immédiatement.



Numéro de dossier du greffe _____

 (Nom du tribunal)

situé(e) au _____
 Adresse du greffe

**Formule 37C : Avis
de poursuite
de l'audience
d'homologation**

Requérant(e)(s)

<i>Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i>	<i>Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i>
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Intimé(e)(s)

<i>Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i>	<i>Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i>
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AUX INTIMÉ(E)S :

LE TRIBUNAL TIENDRA UNE AUDIENCE le (date)
à (heure), **ou dès que possible par la suite, au** (lieu de l'audience)

La cause dont est saisi ce tribunal en vue :

- ☐ d'homologuer une ordonnance conditionnelle ou une modification d'une ordonnance rendue par le/la (nom du tribunal d'origine)
 le (date)
- ☐ réviser une ordonnance rendue par le/la (nom du tribunal d'origine)
 le (date)

a été ajournée au (date de l'ordonnance d'ajournement)
 pour que la cause puisse être renvoyée au tribunal d'origine pour y obtenir des preuves additionnelles.

Le tribunal d'origine nous a maintenant envoyé des preuves additionnelles, dont une copie est ci-jointe. Ce tribunal poursuivra en conséquence cette cause aux date, heure et lieu indiqués ci-dessus. Vous pouvez vous faire accompagner par votre avocat.

SI VOUS NE VOUS PRÉSENTEZ PAS À L'AUDIENCE, LE TRIBUNAL PEUT :

- ☐ HOMOLOGUER L'ORDONNANCE CONDITIONNELLE OU LA MODIFICATION SANS VOUS ET L'EXÉCUTER CONTRE VOUS.
- ☐ REJETER VOTRE DEMANDE DE MODIFICATION.
- ☐ VOUS CONDAMNER AUX DÉPENS.

 Signature du greffier du tribunal

 Date de la signature

REMARQUE : Une copie des preuves additionnelles du/de la requérant(e) qui ont été présentées au tribunal d'origine devrait être jointe au présent avis. Si elle ne l'est pas, communiquez avec le greffe immédiatement.



(Nom du tribunal)

Numéro de dossier du greffe

situé(e) au _____
Adresse du greffe

**Formule 37D : Avis
d'enregistrement
d'une ordonnance
définitive**

Requérant(e)(s)

<p><i>Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i></p>	<p><i>Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i></p>
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Intimé(e)(s)

<p><i>Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i></p>	<p><i>Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).</i></p>
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AUX INTIMÉ(E)S :

Le/La (nom du tribunal)
 situé(e) au (lieu où siège le tribunal)
 a demandé aux tribunaux de l'Ontario d'exécuter ☐ une ordonnance alimentaire en faveur de personnes à charge.
☐ les dispositions relatives aux aliments d'un accord écrit conclu entre vous-même(s) et le ou les requérant(e)s.

L'ordonnance ou l'accord a été enregistré auprès de ce tribunal de l'Ontario le (date de l'enregistrement)
 aux termes de la *Loi sur l'exécution réciproque d'ordonnances alimentaires*.

Si vous avez des raisons de croire :

- a) que l'ordonnance ou l'accord a été obtenu par fraude;
- b) que l'ordonnance ou l'accord a été obtenu par erreur;
- c) que l'ordonnance n'est pas définitive,

vous pouvez présenter une motion en annulation de l'enregistrement, mais ce au plus tard un mois après avoir reçu le présent avis.
 Vous devez signifier un avis de votre motion au bureau d'exécution réciproque du ministère du Procureur général de l'Ontario situé au (adresse)

Vous pouvez effectuer la signification par n'importe laquelle des méthodes énoncées à la règle 6 des *Règles en matière de droit de la famille*, y compris par la poste, par messagerie et par télécopie.

Si vous choisissez de ne pas contester l'enregistrement, l'ordonnance ou l'accord sera exécuté contre vous comme s'il s'agissait d'une ordonnance d'un tribunal de l'Ontario. Vous avez le droit à n'importe quel moment de présenter une requête en modification conditionnelle de l'ordonnance ou de l'accord s'il y eu un changement important de circonstances depuis que l'ordonnance a été rendu ou que l'accord a été conclu.

Signature du greffier du tribunal

Date de la signature

Numéro de dossier du greffe

((Nom du tribunal))

**Formule 38 :
Avis d'appel**situé(e) au _____
Adresse du greffe**Requérant(e)(s)**Cochez la case appropriée ☐ Appelant(e) ☐ Intimé(e) dans l'appel

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Intimé(e)(s)Cochez la case appropriée ☐ Appelant(e) ☐ Intimé(e) dans l'appel

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Je m'appelle : (nom de l'appelant(e))

J'EN APPELLE AUIÀ LA (nom du tribunal)

situé(e) à (municipalité)

de l'ordonnance ou de la décision suivante :

Date de l'ordonnance :

Nom du tribunal qui l'a rendue :

Nom du juge qui l'a rendue :

Lieu où elle a été rendue

Il s'agissait d'une : ☐ ordonnance définitive ☐ ordonnance temporaire

Je demande que l'ordonnance soit annulée et qu'une ordonnance soit rendue comme suit : (Énoncez brièvement l'ordonnance que vous désirez voir rendre par le tribunal d'appel.)

Suite à la page suivante ➡

Formule 38 : Avis d'appel (page 2)

Numéro de dossier du greffe

Les motifs juridiques à l'appui de mon appel sont les suivants : (Indiquez sous forme de paragraphes numérotés le fondement juridique de votre appel.)

Tracez une ligne horizontale en travers de tout espace laissé en blanc sur la présente page

REMARQUE : Vous disposez de 30 jours pour signifier le présent avis aux autres parties à la cause et vous devez le déposer auprès du greffier du tribunal d'appel, accompagné d'une preuve de sa signification (formule 6B), dans les 10 jours qui suivent.

Signature

Date de la signature

Numéro de dossier du greffe

(Nom du tribunal)

**Formule 39 : Préavis de
rejet imminent**situé(e) au _____
Adresse du greffe**Requérant(e)(s)**

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Intimé(e)(s)

Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).

À TOUTES LES PARTIES :**LE GREFFIER DE LA COUR REJETTERA LA CAUSE SANS AUTRE AVIS**, sauf si une des parties, dans les 30 jours qui suivent la signification du présent préavis :

- a) soit dépose un accord signé par toutes les parties et leurs avocats, si elles en ont un, prévoyant l'obtention d'une ordonnance définitive tranchant toutes les questions en litige dans la cause;
- b) soit prend les dispositions nécessaires pour qu'une conférence relative à la cause ou une conférence en vue d'un règlement amiable soit tenue à la première date qui se présente;
- c) soit obtient d'un juge une ordonnance fixant la date d'instruction de la cause ou prolongeant le délai prévu à cette fin.

Le présent préavis est envoyé aux termes du paragraphe 39 (11) des *Règles en matière de droit de la famille*._____
Signature du greffier_____
Date de la signature

ONTARIO REGULATION 121/99
made under the
PUBLIC SERVICE ACT

Made: March 3, 1999
Approved: March 10, 1999
Filed: March 16, 1999

Amending Reg. 977 of R.R.O. 1990
(General)

Note: Since the end of 1997, Regulation 977 has been amended by Ontario Regulations 39/99. Previous amendments are listed in the Table of Regulations in the Statutes of Ontario, 1997.

1. Regulation 977 of the Revised Regulations of Ontario, 1990 is amended by adding the following sections:

COMPENSATION FOR OVERTIME

10.1 Sections 10.2 to 10.11 apply with respect to every person who is appointed to a position in the public service.

10.2 (1) In sections 10.3 to 10.11,

“Management Compensation Plan” means Management Compensation Plan as defined in section 1 of Part I of Schedule 1.

(2) For the purposes of sections 10.6 to 10.11, an employee is considered to be on call when the employee keeps himself or herself reasonably available for recall to work during a period (authorized by his or her supervisor) that is not his or her regularly scheduled work period.

(3) For the purposes of sections 10.6 to 10.11, an employee's regular work period, regularly scheduled work day and regularly scheduled work week are to be determined without reference to a period in which there is an emergency, a strike or a lock-out (whether or not the strike or lock-out is lawful).

10.3 (1) If overtime credit under sections 10.6 to 10.11 is to be calculated at time-and-a-half, the employee receives 45 minutes credit for each half-hour of the applicable work.

(2) If overtime credit is to be calculated at straight time, the employee receives one half-hour of credit for each half-hour of the applicable work.

(3) For the purposes of calculating an employee's overtime credit, the period of applicable work is to be rounded to the nearest half-hour. A period of 15 minutes' work is to be rounded to a half-hour.

(4) The rounding rule set out in subsection (3) does not apply with respect to the first half-hour of the period of applicable work.

10.4 (1) A lump sum payment to an employee for overtime credit under sections 10.6 to 10.11 is to be calculated using the employee's salary that was in effect when he or she earned the credit.

(2) The regular work week of a Schedule 6 employee shall be deemed to be 36¼ hours, for the purpose of calculating the hourly salary rate to be used to determine the amount of a lump sum payment to the employee.

10.5 (1) An employee who is entitled to receive compensation under section 10.9 (overtime during an emergency) for working overtime within the meaning of that section is not entitled to receive compensation under any other section for the same period of work.

(2) An employee who is entitled to receive compensation under section 10.8 (overtime during geological field operations) for work in the

field is not entitled to receive compensation under section 10.6, 10.7, 10.10 or 10.11 for the same period of work.

(3) An employee who is entitled to receive compensation under section 10.10 or 10.11 (overtime during a strike or lock-out) is not entitled to receive compensation under section 10.6 or 10.7 for the same period of work.

STANDARD OVERTIME

10.6 (1) The Schedule 3, 4 and 5 employees described in subsection (3) are entitled to compensation when they work overtime,

- (a) as described in subsection (4) for full-time employees; and
- (b) as described in subsection (5) for part-time employees.

(2) The amount and form of compensation are determined under this section.

(3) Employees are entitled to compensation under this section if they are employed in a class of position set out in Schedule 3, 4 or 5 and the class falls within the Management Compensation Plan.

(4) For the purposes of this section, a full-time employee is considered to be working overtime in either of the following circumstances:

1. When the employee, with the authorization of his or her supervisor, works more than his or her regular working period on a day that is a regularly scheduled work day for the employee.
2. When the employee, with the authorization of his or her supervisor, works on a day that is not a regularly scheduled work day for the employee.

(5) For the purposes of this section, a part-time employee is considered to be working overtime in either of the following circumstances:

1. When, on a regularly scheduled work day for the employee, he or she works more than the following, with the authorization of his or her supervisor:
 - i. Seven and one-quarter hours, in the case of a Schedule 3 employee whose regularly scheduled work day is 7¼ hours long or less.
 - ii. Eight hours, in the case of a Schedule 4 or 5 employee whose regularly scheduled work day is eight hours long or less.
 - iii. More than the length of his or her regularly scheduled work day, in the case of an employee whose regularly scheduled work day is longer than 7¼ or 8 hours, whichever applies.
2. When the employee, with the authorization of his or her supervisor, works at least one-half hour on a day that is not a regularly scheduled work day for the employee.

(6) Work on a holiday listed in subsection 58 (1) is not considered to be overtime work for the purposes of this section.

(7) An employee is not considered to be working overtime when the employee is on call, on stand-by or travelling.

(8) A Schedule 3 employee described in subsection (3) receives overtime credit calculated at time-and-a-half for the following work:

1. If the employee is a full-time employee who works overtime on a regularly scheduled work day and if the employee's total hours for the week in which he or she works overtime exceed 36¼ hours, the employee is entitled to overtime credit for the time

that he or she works in excess of 36¼ hours during that week.

2. If the employee is a part-time employee who works overtime on a regularly scheduled work day, the employee is entitled to overtime credit for the overtime work on that day.
3. If the employee works overtime on a day that is not a regularly scheduled work day, the employee is entitled to overtime credit for the time that he or she works on that day.
4. If the employee is called into work before the start of his or her next regularly scheduled work period, the employee is entitled to overtime credit for the time that he or she works before that regularly scheduled work period. If the employee works fewer than four hours, he or she shall be deemed to have worked four hours for the purposes of calculating his or her overtime credit.
5. Despite paragraphs 1 to 4, the employee is not entitled to overtime credit for hours worked without the authorization of his or her supervisor.

(9) A Schedule 4 or 5 employee described in subsection (3) receives overtime credit calculated at time-and-a-half for the following work:

1. If the employee is a full-time employee who works overtime on a regularly scheduled work day and if the employee's total hours for the week in which he or she works overtime exceed 40 hours, the employee is entitled to overtime credit for the time that he or she works in excess of 40 hours during that week.
2. If the employee is a part-time employee who works overtime on a regularly-scheduled work day, the employee is entitled to overtime credit for the overtime work on that day.
3. If the employee works overtime on a day that is not a regularly scheduled work day, the employee is entitled to overtime credit for the time that he or she works on that day.
4. If the employee is called into work before the start of his or her next regularly scheduled work period, the employee is entitled to overtime credit for the time that he or she works before that regularly scheduled work period. If the employee works fewer than four hours, he or she shall be deemed to have worked four hours for the purposes of calculating his or her overtime credit.
5. Despite paragraphs 1 to 4, the employee is not entitled to overtime credit for hours worked without the authorization of his or her supervisor.

(10) A Schedule 3 or 4 employee (other than an employee described in subsection (11)) and a Schedule 5 employee shall be compensated as follows for the overtime credit he or she receives under this section:

1. The employee is entitled to take compensating leave equal to the amount of his or her overtime credit.
2. However, if the employee and his or her supervisor agree, the employee shall instead be paid a lump sum for all or part of his or her overtime credit.
3. Compensating leave must be taken before the end of the fiscal year after the fiscal year in which the employee earns the overtime credit.
4. If the employee does not take all of the compensating leave within that period, the employee shall be paid a lump sum for the remaining overtime credit.

5. Compensating leave may be taken at any time within that period that the employee and his or her supervisor agree upon.

6. If the employee and the supervisor do not agree upon the time when the compensating leave is to be taken, the deputy minister may decide when, within that period, the employee may take the leave.

(11) A Schedule 3 or 4 employee who is employed in a class of position that is also included in Schedule 7 shall be compensated as follows for the overtime credit he or she receives under this section:

1. The employee is entitled to be paid for his or her overtime credit.
2. However, if the employee and his or her supervisor agree, the employee shall instead be entitled to take compensating leave for all or part of his or her overtime credit.
3. Payment is to be made within two months after the pay period in which the employee works the overtime.

10.7 (1) The Schedule 6 employees described in subsection (3) are entitled to compensation when they work overtime as described in subsection (4).

(2) The amount and form of compensation are determined under this section.

(3) Employees are entitled to compensation under this section if they are employed in a class of position set out in Schedule 6 and if the title of the class indicates that the position is "excluded". However, employees in the Crown Counsel 1, 2, 3 or 4 (Excluded) classes are not entitled to compensation.

(4) For the purposes of this section, an employee is considered to be working overtime when the employee, with the authorization of his or her supervisor, works on a day that is not a regularly scheduled work day for the employee.

(5) Work on a holiday listed in subsection 58 (1) is not considered to be overtime work for the purposes of this section.

(6) An employee is not considered to be working overtime when the employee is on call, on stand-by or travelling.

(7) An employee described in subsection (3) receives overtime credit calculated at straight time for the overtime that he or she works on a day that is not a regularly scheduled work day.

(8) An employee shall be compensated as follows for the overtime credit he or she receives under this section:

1. The employee is entitled to take compensating leave equal to the amount of his or her overtime credit.
2. Compensating leave must be taken before the end of the fiscal year after the fiscal year in which the employee earns the overtime credit.
3. If the employee does not take all of the compensating leave within that period, the employee shall be paid a lump sum for the remaining overtime credit.

OVERTIME DURING GEOLOGICAL FIELD OPERATIONS

10.8 (1) This section applies in the case of geological field operations.

(2) The employees described in subsection (4) are entitled to compensation when they work overtime as described in subsection (6).

(3) The amount and form of compensation are determined under this section.

(4) Subject to subsection (5), employees are entitled to compensation under this section if they are employed in a class of position set out in Schedule 6 and the class falls within the Management Compensation Plan.

(5) Employees are not entitled to compensation under this section if they are represented by the Association of Law Officers of the Crown, the Association of Ontario Physicians and Dentists in the Public Service, the Commissioned Officers' Association or the Ontario Crown Attorneys' Association.

(6) For the purposes of this section, an employee is considered to be working overtime during geological field operations,

- (a) if he or she spends more than 30 days in the field during a year; and
- (b) if he or she spent more than 30 days in the field during the previous year.

(7) Subject to subsections (8) and (9), an employee who is entitled to compensation under this section receives overtime credit calculated at straight time for the following work in the field:

- 1. For his or her work in excess of 7¼ hours on a regularly scheduled work day.
- 2. For his or her work on a day that is not a regularly scheduled work day.

(8) An employee is not entitled to overtime credit under this section for time spent on call, on stand-by or travelling.

(9) An employee is not entitled to overtime credit under this section of more than 145 hours in a year.

(10) The employee shall be compensated as follows for the overtime credit he or she receives under this section:

- 1. If the employee has the authorization of his or her supervisor, the employee may take compensating leave equal to the amount of his or her overtime credit.
- 2. If the employee does not take compensating leave for all or part of the overtime credit, the employee shall be paid a lump sum for the remaining overtime credit.

OVERTIME DURING AN EMERGENCY

10.9 (1) This section applies,

- (a) in case of a forest fire emergency; and
- (b) in case of any other emergency that Management Board of Cabinet declares to be an emergency requiring extraordinary measures to protect public health, public safety or property.

(2) The full-time employees described in subsection (4) are entitled to compensation when they work overtime as described in subsection (6).

(3) The amount and form of compensation are determined under this section.

(4) Subject to subsection (5), full-time employees are entitled to compensation under this section if they are employed in a class of

position set out in Schedule 6 and the class falls within the Management Compensation Plan.

(5) Employees are not entitled to compensation under this section if they are represented by the Association of Law Officers of the Crown, the Association of Ontario Physicians and Dentists in the Public Service, the Commissioned Officers' Association or the Ontario Crown Attorneys' Association.

(6) For the purposes of this section, a full-time employee is considered to be working overtime during an emergency when he or she works more than 8 hours in a 24-hour period or works on a scheduled day off.

(7) An employee is not considered to be working overtime when the employee is,

- (a) on call;
- (b) on stand-by; or
- (c) travelling to his or her normal place of work or to his or her headquarters.

(8) If the employee's supervisor authorizes an employee to work overtime during the emergency, the employee is entitled to receive overtime credit calculated at time-and-a-half for the authorized overtime that the employee works.

(9) The employee shall be compensated as follows for the overtime credit he or she receives under this section:

- 1. The employee is entitled to take compensating leave equal to the amount of his or her overtime credit.
- 2. However, if the employee and his or her supervisor agree, the employee shall instead be paid a lump sum for all or part of his or her overtime credit.
- 3. If the employee frequently works overtime during a period of three months or more, the employee shall instead be paid a lump sum for that portion of his or her overtime credit that is specified by his or her supervisor. The payment is to be made at the end of each three-month period of overtime work.
- 4. Compensating leave must be taken within one of the following periods, to be chosen by the employee's supervisor:
 - i. Within one year after the emergency begins.
 - ii. Within the fiscal year in which the employee earns the overtime credit.
- 5. If the employee does not take all of the compensating leave within that period, the employee shall be paid a lump sum for the remaining overtime credit.

OVERTIME DURING A STRIKE OR LOCK-OUT

10.10 (1) The Schedule 3, 4 and 5 employees described in subsection 10.6 (3) are entitled to compensation when they work overtime as described in subsection 10.6 (4) or (5) during a strike by, or lock-out of, employees employed in the Ontario Public Service, whether or not the strike or lock-out is lawful.

(2) Subject to subsection (3), the amount and form of compensation are determined under section 10.6.

(3) An employee is not entitled to overtime credit for his or her regular working period during a regularly scheduled work day.

10.11 (1) The Schedule 6 employees described in subsection (3) are entitled to compensation when they work overtime as described in subsection (5) during a strike by, or lock-out of, employees employed in the Ontario Public Service, whether or not the strike or lock-out is lawful.

(2) The amount and form of compensation are determined under this section.

(3) The following employees are entitled to compensation under this section:

1. Those employed in the Senior Management Group 1 or 2 classes, but not in the Senior Management Group 1 (Seventh Unit) XSMC1 or Senior Management Group 2 (Seventh Unit) XSMC2 classes.
2. Those employed in a class of position set out in Schedule 6 if the class falls within the Management Compensation Plan, but not those described in subsection (4).

(4) Employees are not entitled to compensation under this section if they are represented by the Association of Law Officers of the Crown, the Association of Ontario Physicians and Dentists in the Public Service, the Commissioned Officers' Association or the Ontario Crown Attorneys' Association.

(5) For the purposes of this section, a full-time or part-time employee is considered to be working overtime during a strike or lock-out when he or she works 44 hours or more during a week with his or her supervisor's authorization.

(6) An employee is not considered to be working overtime when the employee is,

- (a) on call;
- (b) on stand-by; or
- (c) travelling to his or her normal place of work or to his or her headquarters.

(7) If the employee's supervisor authorizes the employee to work overtime during the strike or lock-out, the employee is entitled to receive overtime credit calculated at time-and-a-half for his or her work in excess of 36¼ hours during the week. However, the employee is not entitled to overtime credit for any hours worked without his or her supervisor's authorization.

(8) For the purposes of subsections (5) and (7), a week begins on Monday.

(9) The employee shall be compensated as follows for the overtime credit he or she receives under this section:

1. The employee is entitled to be paid a lump sum for his or her overtime credit.
2. However, if the employee and his or her supervisor agree, the employee shall instead be entitled to take compensating leave for all or part of his or her overtime credit.
3. Compensating leave must be taken within one of the following periods, to be chosen by the employee's supervisor:
 - i. Within one year after the strike or lock-out begins.
 - ii. Within the fiscal year in which the employee earns the overtime credit.

4. If the employee does not take all of the compensating leave within that period, the employee shall be paid a lump sum for the remaining overtime credit.

CIVIL SERVICE COMMISSION

MICHELE NOBLE
Chair

CAROL ANN BURGMANN
Secretary

Dated on March 3, 1999.

14/99

ONTARIO REGULATION 122/99 made under the LIQUOR LICENCE ACT

Made: March 10, 1999
Filed: March 17, 1999

Amending Reg. 719 of R.R.O. 1990
(Licences to Sell Liquor)

Note: Since the end of 1997, Regulation 719 has been amended by Ontario Regulations 63/98, 244/98, 367/98, 655/98 and 656/98. Previous amendments are listed in the Table of Regulations in the Statutes of Ontario, 1997.

1. Subsection 23 (3) of Regulation 719 of the Revised Regulations of Ontario, 1990 is amended by adding the following clause:

- (e) the premises known as Playdium at Square One located at 99 Rathburn Road West, in the City of Mississauga.

2. Clause 23 (3) (e) of the Regulation, as made by section 1 of this Regulation, is revoked on December 31, 1999.

14/99

ONTARIO REGULATION 123/99 made under the PUBLIC SERVICE ACT

Made: March 3, 1999
Approved: March 17, 1999
Filed: March 17, 1999

Amending Reg. 977 of R.R.O. 1990
(General)

Note: Since the end of 1997, Regulation 977 has been amended by Ontario Regulation 39/99. Previous amendments are listed in the Table of Regulations in the Statutes of Ontario, 1997.

1. Section 10.10 of Regulation 977 of the Revised Regulations of Ontario, 1990 is amended by adding the following subsection:

(1.1) Employees are entitled to compensation under this section for overtime work done on or after January 1, 1999.

2. Section 10.11 of the Regulation is amended by adding the following subsection:

(1.1) Employees are entitled to compensation under this section for overtime work done on or after January 1, 1999.

CIVIL SERVICE COMMISSION:

MICHELE NOBLE
Chair

CAROL ANN BURGMANN
Secretary

Dated on March 3, 1999.

14/99

ONTARIO REGULATION 124/99
made under the
ELECTRICITY ACT, 1998

Made: March 17, 1999

Filed: March 18, 1999

**TRANSFER TAX ON MUNICIPAL
ELECTRICITY PROPERTY**

PRESCRIBED PERCENTAGE

1. The percentage prescribed for the purposes of subsection 94 (1) of the Act is 33 per cent.

DEEMED TRANSFERS

2. (1) Each of the transactions or series of transactions described in this section shall be deemed, for the purpose of section 94 of the Act, to be a transfer to a person of an interest in real or personal property that has been used in connection with generating, transmitting, distributing or retailing electricity.

(2) A transaction or series of transactions shall be deemed to constitute a transfer described in subsection (1),

- (a) if, as a result of the transaction or series of transactions, a municipal corporation or a municipal electricity utility ceases to own the interest in property described in subsection (1) and another person acquires a similar interest in the property; and
- (b) if it is reasonable to conclude that one of the primary purposes of the transaction or the series of transactions is to avoid the application of subsection 94 (1) of the Act.

(3) When a corporation ceases to be a subsidiary of a municipal electricity utility, the corporation's interest in property described in subsection (1) shall be deemed to have been transferred from the corporation to another person immediately before the corporation ceases to be such a subsidiary. The deemed transfer of the interest in property from the corporation shall be deemed to constitute a transfer described in subsection (1).

(4) If a municipal corporation or a municipal electricity utility transfers an interest in property described in subsection (1) to a partnership, a portion of the interest in property that is transferred shall be deemed to constitute a transfer described in subsection (1). The portion that is deemed to be transferred is calculated using the formula,

$$A \times (B / C)$$

where,

"A" is the fair market value of the interest in property described in subsection (1) that the municipal corporation or municipal electricity utility transfers to the partnership;

"B" is the fair market value of that portion of interests in the partnership that are owned by persons other than the municipal corporation or the municipal electricity utility; and

"C" is the fair market value of all ownership interests in the partnership.

EXCLUDED TRANSFERS

3. (1) Each of the transfers described in this section is prescribed as a transfer to which subsection 94 (1) of the Act does not apply.

(2) Subsection (3) applies if,

- (a) a municipal corporation or municipal electricity utility (the "first transferor") transfers an interest in property described in subsection 94 (1) or (2) of the Act (the "first transfer") to another municipal corporation or municipal electricity utility (the "first transferee");
- (b) the first transferor pays an amount under subsection 94 (1) of the Act in respect of that transfer; and
- (c) the first transferee subsequently transfers the interest in the same property (the "second transfer") to any person.

(3) Subsection 94 (1) of the Act does not apply to the second transfer described in subsection (2), to the extent that the first transferor has already paid an amount under subsection 94 (1) of the Act in respect of the first transfer.

(4) Subsection (5) applies if,

- (a) a municipal corporation or municipal electricity utility (the "first transferor") transfers an interest in property described in subsection 94 (1) or (2) of the Act (the "first transfer") to another municipal corporation or municipal electricity utility (the "first transferee");
- (b) the first transferor pays an amount under subsection 94 (1) of the Act in respect of the first transfer;
- (c) the first transferee or a corporation that owns (directly or indirectly) at least 95 per cent of the total issued and outstanding share capital, excluding the directors' qualifying shares, of the first transferee subsequently transfers an interest in property described in subsection 94 (1) or (2) of the Act (the "second transfer") to another person; and
- (d) the interest transferred in the second transfer derives its value from the property referred to in clause (a).

(5) Subsection 94 (1) of the Act does not apply to the second transfer described in subsection (4) to the extent that the first transferor has already paid an amount under subsection 94 (1) of the Act in respect of the first transfer.

(6) Subsection (7) applies if,

- (a) a municipal corporation or municipal electricity utility (the "first transferor") transfers an interest in property described in subsection 94 (1) or (2) of the Act (the "first transfer") to another municipal corporation or municipal electricity utility (the "first transferee");
- (b) the first transferor pays an amount under subsection 94 (1) of the Act in respect of the first transfer;

(c) the first transferee or a corporation in which the first transferee owns (directly or indirectly) at least 95 per cent of the total issued and outstanding share capital, excluding the directors' qualifying shares, subsequently transfers an interest in property described in subsection 94 (1) or (2) of the Act (the "second transfer") to another person; and

(d) the interest transferred in the second transfer derives its value from the property referred to in clause (a).

(7) Subsection 94 (1) of the Act does not apply to the second transfer described in subsection (6) to the extent that the first transferor has already paid an amount under subsection 94 (1) of the Act in respect of the first transfer.

(8) Subsection (9) applies if,

(a) a municipal corporation or municipal electricity utility (the "transferor") transfers an interest in property described in subsection 94 (1) or (2) of the Act to a corporation that is a municipal electricity utility (the "transferee"); and

(b) the transferor owns (directly or indirectly) at least 95 per cent of the total issued and outstanding share capital, excluding the directors' qualifying shares,

(i) of the transferee, or

(ii) of a corporation that owns (directly or indirectly) at least 95 per cent of the total issued and outstanding share capital of the transferee, excluding the directors' qualifying shares.

(9) Subsection 94 (1) of the Act does not apply to the transfer described in subsection (8) from the transferor to the transferee.

(10) Subsection (11) applies if,

(a) a municipal electricity utility (the "transferor") transfers an interest in property described in subsection 94 (1) or (2) of the Act to a corporation that is a municipal electricity utility (the "transferee"); and

(b) a corporation owns (directly or indirectly) at least 95 per cent of the total issued and outstanding share capital, excluding the directors' qualifying shares,

(i) of the transferor and of the transferee, or

(ii) of another corporation that owns (directly or indirectly) at least 95 per cent of the total issued and outstanding share capital, excluding the directors' qualifying shares, of the transferor and of the transferee.

(11) Subsection 94 (1) of the Act does not apply to the transfer described in subsection (10) from the transferor to the transferee.

(12) Subsection (13) applies if a municipal corporation or municipal electricity utility (the "transferor") transfers an interest in property described in subsection 94 (1) or (2) of the Act and,

(a) before the transfer, the property is not being used or is obsolete; or

(b) the transfer is made in the ordinary course of business of the transferor and it is reasonable to conclude that the primary purpose of the transfer is to replace the transferor's property.

(13) Subsection 94 (1) of the Act does not apply to the transfer described in subsection (12) if the aggregate fair market value of all such interests that are transferred by the transferor during a particular

taxation year is not greater than 5 per cent of the fair market value of the interests in property described in subsections 94 (1) and (2) of the Act that are owned by the transferor at the end of the preceding taxation year.

(14) Subsection 94 (1) of the Act does not apply to the transfer of a leasehold interest in property described in subsection 94 (1) of the Act unless, at the time of the transfer,

(a) the lessee automatically acquires title to the leased property at less than its fair market value before or upon the termination of the lease;

(b) the lessee has a conditional or unconditional right to acquire the title to the leased property at less than its fair market value before or upon the termination of the lease;

(c) the term of the lease, including any renewal or extension provided for in the lease or in another agreement entered into as part of the arrangement relating to the lease, is greater than or equal to at least 75 per cent of the anticipated economic life of the leased property; or

(d) the aggregate value of the lease payments that are required by the lease agreement when the lease begins, including any guarantee of the residual value of the leased property and any penalty payable for a failure to renew the lease or to extend its term, is greater than or equal to the value of the leased property when the lease begins.

(15) Subsection 94 (1) of the Act does not apply to the transfer of an interest in property described in subsection 94 (1) or (2) of the Act,

(a) if the transfer does not result in a change in the beneficial ownership of the interest in the property;

(b) if the transfer is made for the purpose of securing a debt or a loan and for no other purpose; or

(c) if the transfer entitles the transferor to an amount described in paragraphs (b) to (f) of the definition of "proceeds of disposition" in section 54 of the *Income Tax Act* (Canada).

ADMINISTRATION

4. (1) A municipal corporation or municipal electricity utility (the "transferor") that proposes to transfer an interest in property described in subsection 94 (1) or (2) of the Act shall give the Minister of Finance written notice of the proposed transfer.

(2) The notice must be received by the Minister at least 60 days before the date of the proposed transfer.

(3) The notice must include the following information:

1. The name and address of the proposed transferee.

2. A detailed description of the interest that is being transferred.

3. A reasonable estimate of the fair market value of the interest that is being transferred, immediately before the date of the proposed transfer.

4. The estimated amount payable under subsection 94 (1) of the Act in respect of the transfer.

5. A municipal corporation or municipal electricity utility that proposes to make a transfer to which subsection 94 (1) of the Act applies shall do one of the following before the date of the proposed transfer:

1. Give the Financial Corporation security satisfactory to the Financial Corporation for the payment required by subsection 94 (1) of the Act.

2. Pay the Financial Corporation the amount that the transferor reasonably estimates will be required by subsection 94 (1) of the Act in respect of the transfer.

6. If the municipal corporation or municipal electricity utility gives the notice required by section 4 and gives the security or makes the payment described in section 5, the Minister of Finance shall give the municipal corporation or municipal electricity utility and the proposed transferee a certificate setting out the details of the proposed transfer and of the security or payment.

7. (1) Subject to subsection (4), a municipal corporation or municipal electricity utility that transfers an interest in property described in subsection 94 (1) or (2) of the Act shall give the Minister of Finance written notice of the transfer.

(2) The notice must be received by the Minister within 30 days after the date on which the transfer is made.

(3) The notice must include the following information and documents:

1. The name and address of the transferee.
2. A detailed description of the interest that was transferred.
3. The fair market value of the interest that was transferred, immediately before the transfer.
4. The estimated amount payable under subsection 94 (1) of the Act in respect of the transfer.
5. The amount, if any, paid to the Financial Corporation under subsection 94 (1) of the Act in respect of the transfer.
6. A copy of the Minister's certificate, if any, under section 6 for the transfer.

(4) Notice is not required,

- (a) if the municipal corporation or municipal electricity utility gave notice of the proposed transfer to the Minister under section 4 before the date of the transfer;
- (b) if the transferee is the same as the person identified as the proposed transferee in the notice of the proposed transfer;
- (c) if the fair market value of the interest transferred is less than or equal to the estimated fair market value set out in the notice of the proposed transfer; and
- (d) if the amount of the payment made under section 5 or the amount in respect of which security is given under section 5, as the case may be, is greater than or equal to the estimated amount payable set out in the notice of the proposed transfer.

8. When a municipal corporation or municipal electricity utility makes a transfer to which subsection 94 (1) of the Act applies, the municipal corporation or municipal electricity utility shall pay to the Financial Corporation the amount by which "A" exceeds "B" where,

"A" is the amount payable under subsection 94 (1) of the Act in respect of the transfer, and

"B" is the amount of the payment made under section 5 or the amount in respect of which security is given under section 5, as the case may be.

ERNIE EVES
Minister of Finance

Dated on March 17, 1999.

14/99

INDEX 14

GOVERNMENT NOTICES/AVIS DU GOUVERNEMENT

Proclamations.....	629
Motor Vehicle Transport Act/Truck Transportation Act/Loi sur les transports routiers/Loi sur le camionnage	631
Ontario Highway Transport Board	632
Certificates of Dissolution/Certificats de dissolution	633
Cancellation for Filing Default (Corporations Act)/Annulation pour omission de se conformer à une obligation de dépôt (Loi sur les personnes morales)	633
Notice of Default in Complying with the Corporations Tax Act/Avis d'inobservation de la loi sur les corporations	634
Cancellation of Certificates of Incorporation (Corporations Tax Act Defaulters)/Annulation de certificats de constitution en personne morale (Non-respect de la loi sur l'imposition des personnes morales)	634
Erratum Notice/Avis d'Erreur	634
Co-operative Corporations Act (Certificate of Incorporation Issued)/Loi sur les sociétés coopératives (Certificat de constitution délivrés)	635
Co-operative Corporations Act (Certificate of Amendment of Articles Issued)/Loi sur les sociétés coopératives (Certificat de modification de statut)	636
Ministry of Finance—Interest Rates/Ministère des Finances—Taux d'intérêt	635
Applications to Provincial Parliament — Private Bills/Demandes au Parlement provincial — Projets de loi d'intérêt privé	638
Applications to Provincial Parliament/Demandes au Parlement provincial	638

CORPORATION NOTICES/AVIS RELATIFS AUX COMPAGNIES	639
SALES OF LANDS FOR TAX ARREARS BY PUBLIC TENDER/VENTES DE TERRAINS PAR APPEL D'OFFRES POUR ARRIÉRÉ D'IMPÔT	640

PUBLICATIONS UNDER THE REGULATIONS ACT/
PUBLICATIONS EN VERTU DE LA LOI SUR LES RÈGLEMENTS

Courts of Justice Act	O. Reg. 114/99 Loi sur les tribunaux judiciaires Règl. de l'Ont. 114/99	643
Electricity Act, 1998	O. Reg. 124/99	1222
Liquor Licence Act	O. Reg. 122/99	1221
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